

ACTION AND RESPONSIBILITY

LIBRARY OF ETHICS AND APPLIED PHILOSOPHY

VOLUME 18

Managing Editor:

Govert A. den Hartogh, *University of Amsterdam, The Netherlands*

The titles published in this series are listed at the end of this volume.

ACTION AND RESPONSIBILITY

by

ANDREW SNEDDON

University of Ottawa, ON, Canada

A C.I.P. Catalogue record for this book is available from the Library of Congress.

ISBN-10 1-4020-3996-4 (HB)

ISBN-13 978-1-4020-3996-6 (HB)

ISBN-10 1-4020-3982-4 (e-book)

ISBN-13 978-1-4020-3982-9 (e-book)

Published by Springer,

P.O. Box 17, 3300 AA Dordrecht, The Netherlands.

www.springeronline.com

Printed on acid-free paper

All Rights Reserved

© 2006 Springer

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

Printed in the Netherlands.

CONTENTS

Acknowledgements	vii
Preface	ix
Chapter 1: Two Questions	1
Appendix I: The Status Question: What to Look For?	13
Chapter 2: Ascriptivism Resurrected: The Case for Ascriptivism	19
Chapter 3: Ascriptivism Defended: The Case Against Ascriptivism	33
Appendix II: An Alternative Reading of Hart	49
Chapter 4: Responsibility and Causation I: Legal Responsibility	51
Chapter 5: Responsibility and Causation II: Moral Responsibility	67
Chapter 6: Foundationalism and the Production Question	97
Chapter 7: Foundationalism and the Status Question: Strong Productionism	119
Appendix III: Reflections on the Pursuit of a Causal Analysis of Action	131
Chapter 8: Nouveau Volitionism	137
Chapter 9: Weak Productionism	151
Chapter 10: Concluding Reflections on Ascriptivism and Action	169
BIBLIOGRAPHY	181
INDEX	187

ACKNOWLEDGEMENTS

I gratefully acknowledge permission granted to reprint the following either partially or in their entirety:

1] “Considering Causalisms”, *Dialogue: Canadian Philosophical Review*, Vol. XL (2001), no. 2, pp. 343-66. Published by the Canadian Philosophical Association and Wilfrid Laurier Press.

2] “Does Philosophy of Action Rest on a Mistake?” First published in *Metaphilosophy*, Vol. 32: 5 (Oct, 2001), pp. 502-522. © Metaphilosophy LLC and Blackwell Publishers Ltd 2001.

3] “Prichard, Strawson, and Two Objections to Moral Sensibility Theories”, *Journal of Philosophical Research*, Vol. 29 (2004), pp. 289-314. Published by the Philosophy Documentation Center.

4] “Moral Responsibility: The Difference of Strawson and the Difference It Should Make,” *Ethical Theory and Moral Practice*, forthcoming as of time of publication. Published by Springer.

PREFACE

This book is an exploration of what it takes for an event to count as an action. I first became interested in this topic nearly a decade ago while working on a different topic. I kept coming across philosophers making claims about the nature of action that seemed false or at least dubious to me. As a consequence I turned to the philosophy of action directly, to get to the heart of the matter. I have wrestled with this territory ever since. I hope that, with this book, I have finally earned the intuitions that put me at odds with the philosophers I was originally reading.

This book develops ideas in Part Two of my doctoral dissertation, which I wrote at Queen's University in Kingston, Ontario, Canada. I loved being at Queen's, for both professional and personal reasons. My thanks go to the Social Sciences and Humanities Research Council of Canada for financial support as a doctoral candidate. Steve Leighton and Ronald de Sousa were readers for my dissertation. They provided some early and invaluable challenges to the ideas developed here. My deepest debt of gratitude is owed to David Bakhurst, my supervisor. I learned a lot from David; this book would not be the same without his help.

The earliest version of this manuscript was written during 2001-2 at the University of Calgary, where I was the Killam Postdoctoral Fellow. My thanks go to the Killam Foundation for generous support. Bob Ware was my postdoctoral supervisor at Calgary. He read and discussed the first draft. His input was very helpful, but even more important has been his friendly support, dating back to before he even met me, when I was a doctoral student soliciting help in taking the next step. It pleases me immensely to acknowledge publicly the help Bob has given me in the book that I wrote in a position that I held in large part due to his generosity.

Stephen Hawkins provided invaluable assistance in preparing the manuscript for publication.

My wife Debbie has been with me through every part of the process, since before the germination of the first ideas in Kingston until the writing of these words in Ottawa. I see the hands of David and Bob in particular parts of the book, but I see Debbie everywhere. This is for her.

CHAPTER 1

TWO QUESTIONS

... what is left over if I subtract the fact that my arm goes up from the fact that I raise my arm?

Wittgenstein, *Philosophical Investigations*, §621

1. QUESTIONS

As has long been recognized, Wittgenstein's question about arms rising and the raising of arms is a worthy place to begin a study of action. The reason for this is that it poses a pregnant challenge. It is a challenge because it seems like a question we, both as philosophers and as ordinary people, should be able to answer. It is pregnant, however, because it is ambiguous.

On one reading, Wittgenstein's question could be interpreted as a challenge to specify what makes an event count as an action.¹ Arms rise without necessarily counting as actions. Some such movements are actions and some are not. The movement of the arm seems to be identical across such cases, so some other factor(s) must make the difference between these kinds of events. Specifying this other factor will provide an answer to the question, what makes an event count as an action?

Since this question concerns the status of events qua actions, and how they come to have this status, I will call this the status question.

Status Question: What makes an event count as an action?

Corresponding issues will be called status issues. Terminology germane to this question and to these issues is status terminology.

Looked at in another light, Wittgenstein's question could be seen as a causal query. The action of raising one's arm is brought about through a series of causally related events, including muscle contractions, neural activity, and the overt bodily activity mentioned in the question. The movement of the arm is at the end of this chain that somehow realizes the action. Since it is at the end, the overt bodily movement is the wrong place to look if one wants to determine how actions are produced. Subtracting the movement of arm clears the way for proper examination of the sequence of events that brought about the action.

¹ Throughout, I will restrict attention to human action. For ease, I will refer just to 'action'.

Since this version of the question emphasizes how an action is produced, I will call it the production question:

Production Question: How are actions produced?

As with the status question, corresponding issues are production issues, and the terminology appropriate to this sort of inquiry is production terminology.

These questions will be familiar to anyone versed in contemporary philosophical study of action. Status issues are generally addressed in the attempt to develop a theory of action. Production issues come up most importantly during the development of a theory of action explanation. Alfred Mele begins a recent introduction to the field by stating that the philosophy of action is structured around two questions: ‘. . . (1) What are actions? (2) How are actions to be explained?’² The first question is the status question. The second question, about explanation, appears different from the production question, but in fact there is much in common between the two. Twentieth century philosophy of action, from the 50s through 70s, was preoccupied wondering whether reasons could be causes. Very briefly, the issue was this: actions seem to be events explainable in terms of reasons. Reasons rationalize actions, make them intelligible. Explicating reasons that lead to actions shows the light in which the action appears favorable to the agent who performs them. All of this caused some to wonder whether they were the right sort of phenomenon to cause anything. Donald Davidson’s landmark ‘Actions, Reasons, and Causes’³ turned this debate in favour of those who thought reasons could be causes, and such a view has characterized the dominant strain of philosophy of action ever since. Seen this way, Mele’s explanation question looks very much like my production question. If reasons are causes, then a rationalizing explanation gives us some detail about the causal chain by which a given action was produced. Hence it is fair to claim that both status and production issues are at the heart of contemporary philosophy of action.

A notable wrinkle appears at this point. Contemporary philosophy of action conflates the two sorts of issues. Answers to the production question are given using status terms, and vice versa; in more traditional terms, theories of action and of action explanation are deeply intertwined. Mele introduces what he calls causalism in exactly this way:

A popular approach to understanding both the nature of action and the explanation of actions emphasizes causation. Causal theories of action hold that an event’s being an action depends on how it was caused. These theories feature as causes such psychological or mental items as beliefs, desires, intentions, and related events (e.g. acquiring an intention to A now). If causal theories of action are on the right track, they provide a metaphysical underpinning for a popular view of the explanation of actions—the view that actions are to be explained, causally, partly in terms of items of the kind just mentioned. The conjunction of these two ideas—one about what actions are and the other about how actions are to be explained—may be termed causalism.⁴

² Alfred Mele, *The Philosophy of Action*, ed. Alfred Mele (Oxford, 1997), p. 1.

³ Donald Davidson, ‘Actions, Reasons, and Causes’, in *Essays on Actions and Events* (Oxford, 1980).

⁴ Mele, *The Philosophy of Action*, pp. 2-3.

Although it is perhaps most explicit in the case of causalism, the conflation of production and status issues is shared by other approaches to action. For instance, anti-causalists Harry Frankfurt and Alicia Juarrero present the status question as central to philosophy of action. But consider their ways of presenting the issue:

Frankfurt presents the following as the problem of action:

The problem of action is to explicate the contrast between what an agent does and what merely happens to him, or between the bodily movements that he makes and those that occur without his making them.⁵

Juarrero casts the issue in terms of blinks and winks:

What is the difference between a wink and a blink? . . . We think of blinks, unlike winks, as behavior that we do not intend and cannot control—something that ‘happens to us’, a reflex reaction in which we are passive. Winking, on the other hand, is something ‘we’ do (in some unclear sense of ‘we’ that identifies us as agents).⁶

Both put the status issue as concerned, somehow, with something to do with how actions are produced. As shall be shown, such a method of inquiry is also characteristic of such other anti-causalist positions as volitionism, which represents trying as the mark of action.⁷

Why is action studied in this manner? Given the similarity between the terms ‘theory of action’ and ‘theory of action explanation’, it is very easy to assume that these projects must be deeply connected. One might well rhetorically ask, ‘How could a theory of action-explanation not be an important part of a theory of action?’ I suspect that there is a mistake here, perhaps due in part to ambiguity about just what falls under the rubric of a theory of action. When one is not reflecting on these terms and the relations between them, it is easy to assume that a theory of action is a theory of everything about action. In this sense it is tautologous that a theory of action explanation is an important part of a theory of action, but this carries no implications for the status question in particular. If we use theory of action in this wide sense, then we must recognize the possibility that action explanation and the status question could be quite distinct parts of an overall theory of action. However, if we take theory of action narrowly, in the specific sense of the status question, then it is no longer tautologous that a theory of action explanation is an important part of this sort of theory. The purported connection would actually be a substantive one which, at the beginning of inquiry, represents just one such possible connection among others.

If we substitute different terminology for this more common terminology, then the argumentative burden strikes me as being more obvious. Hence I will avoid the common terminology; instead I will speak of status and production issues in the hope that it is relatively easier to avoid assuming that these are deeply connected. Indeed, the bulk of this book can be seen as an argument for dividing theories of

⁵ Harry Frankfurt, ‘The Problem of Action’. In Mele, *The Philosophy of Action*, p. 42.

⁶ Alicia Juarrero, *Dynamics in Action: Intentional Behavior as a Complex System* (Cambridge, Massachusetts, 1999), p. 1.

⁷ Seen in a certain way, it also characterizes agent causationism (see Carl Ginet, *On Action* (Cambridge, 1989)), but this will not be explicitly addressed, except in passing, in this book.

action-explanation from theories of action. I will try to earn a substantial answer to the rhetorical question posed above. I hope that my technical labels make this answer seem less counter-intuitive than the common ones.

This theoretical pattern of conflating production and status issues has been around for a long time. Alan Donagan claims there is a ‘Socratic tradition’ of philosophy of action.⁸ Broadly put, this tradition holds that the essential element in action is production by intentional states of one kind or another. Donagan casts choice in this role, and sees himself as working in this tradition. Plato flirts with conflating production and status issues in *Phaedo*.⁹ David Charles characterizes Aristotle’s general view of action as being constituted by a realization of a certain sort of capacity an agent has.¹⁰ Brad Inwood presents the Stoics as largely following Aristotle on action. According to Inwood, the Stoics analysed action in terms of desiderative and informational components.¹¹ No doubt this lineage could be traced up to the present day. As things stand, it is clear that this sort of approach to the study of action has a long and distinguished history.

A case can be made for thinking that the conflation of production and status issues also shows up in ordinary—i.e., non-theoretical—speech. When philosophers start inquiry into action by developing the notion that, somehow, it must be intentional behavior, they legitimately take themselves to be throwing light on our everyday conceptual scheme.

The purpose of this book is to explore the prospects for developing a theory of action in isolation from a theory of action explanation. That is, I am going to offer an answer to the status question freed from considerations of production issues. The first reason for doing so is that such a possibility has been neglected in philosophy of action. Consider some non-action examples. Some objects count as the sorts of things they are by virtue of their origin, but others do not. A television does not count as a television because it was produced in a certain way, but because of what it does. The same goes for some ways of characterizing events. A disaster is not a disaster because of how it came about, but instead because of its effects on, e.g., people, animals, and property. Hence, the first part of this book constitutes an attempt to broaden the range of accounts of what makes an event an action that are on offer in contemporary philosophical study of action.

Specifically, I am going to resurrect an answer to the status question known as ascriptivism.¹² Ascriptivism originated with H.L.A. Hart’s paper, ‘The Ascription of Responsibility and Rights’. This paper attracted some favorable attention, but criticism, particularly by George Pitcher and P. T. Geach, knocked it out of favor. Hart himself, in the preface to *Punishment and Responsibility*, explains that he did not include it in that volume because he thought Pitcher and Geach were correct.

⁸ Alan Donagan, *Choice: The Essential Element in Human Action* (London, 1987), p. 18.

⁹ *Phaedo* 98c-99a; see Donagan, *Choice*, pp. 1-2.

¹⁰ David Charles, *Aristotle’s Theory of Action* (Ithaca, New York, 1984), p. 62.

¹¹ Brad Inwood, *Ethics and Human Action in Early Stoicism* (Oxford, 1985), p. 4.

¹² The term ‘ascriptivism’, so far as I can tell, originates in print with P. T. Geach, in the paper, ‘Ascription’ (*Philosophical Review*, LXIX. 1960). Geach was a critic of the position; ‘Ascription’ contains very influential criticisms that I will examine in detail.

Joel Feinberg tried to resuscitate something of Hart's position with 'Action and Responsibility' in 1964, but with limited success. Such thinkers as A. I. Melden and Kurt Baier developed ideas consistent with Hart's ascriptivism, but either independently or without much explicit reference to Hart.

I think ascriptivists were on to a good idea, but that they failed to see clearly just what that idea was. I will defend the following as a reconstruction of their good idea:

The possibility of attributing responsibility for an event is a type necessary¹³ condition of that event counting as an action.

This position is developed and defended in Chapters Two and Three.

The second reason for pursuing the status question independently of production issues is that I think such an account is plausible. Correspondingly, this book is devoted to evaluating the neo-ascriptivist answer to that status question that I offer. Besides arguments directly in favor of ascriptivism, I examine some principal alternative theories of action, ones that do conflate status and production issues. In each case, I will show that lack of appreciation of the possibility of positions such as ascriptivism leads to assumptions in argumentation that are unwarranted and sometimes outright problematic. At the very least, I will show that certain argumentative strategies are in need of special defense that they have not yet received. In some cases, doubts will be raised about whether such defense can be plausibly provided. The effect of this examination of alternatives to ascriptivism will be the establishment of ascriptivism as a plausible theory of action among those options currently on offer. I cannot claim to be able to demonstrate the superiority of my version of ascriptivism to alternative answers to the status question. That is too vast a task. My aim is only to reinstate ascriptivism as a position worth taking seriously on the topic of what makes an event count as an action. Correlatively, my aim is also to increase the level of self-consciousness about methodology in contemporary philosophy of action. Specifically, I hope to make people think about ways the production and status questions might and might not be related.

There is currently no extant term for the conflation of theories of action with theories of action explanation, so I am going to coin one. I will call the attempt to provide an account of the mark(s) of action in terms of the production of actions Productionism. Not all productionistic answers to the status question are the same; here is a further subdivision of important contemporary theories of action into varieties of productionism:¹⁴

- a) **Strong Productionism:** Strong productionists seek the mark(s) of action in the causal origin of the events that count as actions. They also typically pay attention to the method of production—e.g., the sort of control exercised over an action by

¹³ See Appendix I for explanation of this terminology. A type necessary condition is a condition that is necessary for the exemplification of a kind, or type. This Appendix can be skipped (without much loss, but with some) by those interested only in the substantive issues about action.

¹⁴ Readers interested in more detail about the following positions are encouraged to turn to Chapters Seven through Nine. These chapters can be profitably read before the defense of ascriptivism.

its causes—as part of their answer to the status question. In short, strong productionists emphasize the origin and control of events as what makes these events actions. The origin of an event is its (relevant) causal past. The control of an event is causally contemporary. Hence to examine the causal control over an event is to examine something in the present, rather than the past or future. Hence, strong productionism always emphasizes the history of an event in its account of status issues, and it typically also emphasizes present causal control.

Strong productionism includes such varieties of causalism as those espoused by Alvin Goldman, John Bishop, and Alfred Mele. Anyone who seeks a causal analysis of action—e.g., in terms of the beliefs and desires that cause a given event—is a strong productionist. Analysis aside, such causalism is arguably the leading contemporary answer to the status question in contemporary philosophy of action.

- b) Weak Productionism: Weak productionists follow strong productionists in emphasizing the present controlling causal influence over events as making these events actions, but they give up on reference to the causal origins of actions. Weak productionists hence look at the causal present for the marks of action, but not to the past.

Weak productionism is espoused by Harry Frankfurt and Alicia Juarrero, both of whom develop ideas about control over an event as the mark of action. Something very much like weak productionism is offered by Mark Ravizza and, especially, John Martin Fischer in their work on moral responsibility. Unlike their counterparts in strict philosophy of action, the work of Fischer and Ravizza is very important in studies of responsibility. Given the ties that will emerge between responsibility and action, the work of Fischer and Ravizza is more relevant to strict philosophy of action than one might suspect.

- c) Outcome Productionism: Instead of emphasizing the past or present of an event as what makes it an action, outcome productionists emphasize the results of certain kinds of events as the mark of action. Outcome productionists hence turn to the (rather immediate) causal future of events for an answer to the status question. This deserves to be called ‘productionism’ because such theorists emphasize what events produce as the mark of action.

Outcome productionists are found amongst (what I call) *nouveau volitionists*, but not all volitionists are outcome productionists. Jennifer Hornsby and Paul Pietroski are outcome productionists, but Brian O’Shaughnessy and Hugh McCann are not. Hornsby and Pietroski argue that a volition that causes a bodily movement is an action. Volitions that do not have this effect are not actions. Nor is it the produced event that is the action. It is rather volition with the right sort of future.¹⁵

¹⁵ Vacillation between strong and outcome productionism is found with agent causationist positions on the nature of action. Agent causationists think that event causation is incapable of accounting for the nature of action. Instead, a special sort of causal relationship—causation by agents—is needed for

One of the things that I will be trying to show in the comparison of ascriptivism with the various productionisms is that theories of action share structural features with other sorts of theories, e.g., psychological and epistemological ones. These features have received critical attention in philosophical psychology and in epistemology, but not in philosophy of action. Drawing attention to these features not only serves to explain how ascriptivism and productionism differ, but also provides a standpoint from which to evaluate their relative strengths and weaknesses. Specifically, positions developed through the conflation of status and production issues tend to exhibit at least one of the following two characteristics:

- a) Foundationalism: A structural feature of theories/explanations that consists in the division of entities into two classes, one of which is a special class that somehow supports or grounds or makes possible the other. The non-special class typically consists of familiar, normal entities.
- b) Individualism: The development of theories or explanations in terms of properties of individual people.

This kind of theoretical individualism is related to, yet distinct from, individualism in both philosophical psychology and the social sciences. Individualism in philosophical psychology is the idea that mental states and processes are entirely realized by the intrinsic properties of individuals. Individualism in social science is the idea that explanations invoking social phenomena must be ultimately reducible to explanations invoking only characteristics of individual persons. The phenomenon of action bridges the theoretical interests of psychology and the social sciences. Like mental phenomena, but less like social phenomena, actions are ascribed to individuals. Like social phenomena and less like mental phenomena, actions are public. Given action's unique position, the present formulation of individualism in philosophy of action should be taken as a first step at bridging the extant notions of it.

It is possible to characterize foundationalism and individualism differently, but these are the forms relevant to the philosophy of action. These rather vague formulations will serve our present purposes; more specific versions will be examined when we turn to evaluation of the particular positions.

Foundationalism is to be opposed to its negation:

- c) Non-Foundationalism: Not positing special categories of events/objects to support/ground/make possible familiar, normal categories of events/objects.

A non-individualist position is more subtle. Following the practice in philosophical psychology, non-individualism will be called externalism:

adequate accounts of action. Richard Taylor and Roderick Chisholm are the most famous agent causationists. Some interpret them as strong productionists: the right sort of causal history makes an event an action. Others, however, interpret them much more as outcome productionists: it is agential causings (of effects) that are actions. Since, as I see it, agent causationism has fallen out of theoretical favour, I will not address it, except in passing.

- d) Externalism: The development of theories or explanations at least partly in terms of the environment (e.g., physical, social) of individual humans, and not directly in terms of individual humans themselves.

Whereas productionism is individualistic and/or foundationalist, ascriptivism is externalist and non-foundationalist. Further discussion and evaluation of these issues starts in Chapter Five and continues throughout the rest of the book.

2.METHOD

A brief methodological note is warranted before continuing. To determine an appropriate method for philosophy of action, it is worthwhile considering what the aims of this philosophical domain are. The internal, domain-specific aims include shedding light on status and production issues. Are there, however, external aims of philosophy of action?

Talk of specific kinds of actions is very common. It is an unproblematic, robust part of everyday practice. Philosophy of action, then, can be seen as having the external aim of clarifying and systematizing our ordinary practices of action recognition and attribution. Many philosophers would agree with this description of this domain, so far as it goes. Yet breathing life into this skeletal description must be done carefully.

It is, I think, difficult to over-emphasize that our ordinary practices of action recognition and attribution are robust. They stand in no need of adjustment or correction. Action is a very familiar phenomenon. It is not akin to the nature of, say, the fundamental constituents of the universe, or the processes that realize our mental lives. These phenomena are not familiar to us; to know about them, we need to be informed by the appropriate kinds of technical inquiry. Lay people cannot legitimately draw conclusions about the adequacy of the results of these sorts of inquiry, from without as it were. We must follow instead. But the status question is different. No one is in a better position than the lay person (i.e., all of us, in some capacity) to recognize actions. Instead of ordinary people answering to theory, with regard to action the philosophy ought to answer to ordinary practice.¹⁶ A philosophy of action that set out to make adjustments to this domain would deserve suspicion on the basis of its deviation from demonstrably robust practices. Given this, as a branch of metaphysics, inquiry into the status question should be descriptive, not revisionary. As P.F. Strawson puts it,

Descriptive metaphysics is content to describe the actual structure of our thought about the world, revisionary metaphysics is concerned to produce a better structure. The productions of revisionary metaphysics remain permanently interesting, and not only as key episodes in the history of thought. Because of their articulation, and the intensity of their partial vision, the best of them are both intrinsically admirable and of enduring

¹⁶ Rob Wilson (*Cartesian Psychology and Physical Minds: Individualism and the Sciences of the Mind* (New York, 1995), Ch. 7), speaking about folk psychology, calls this the 'Riches at Face Value Thesis'. The label is apt here too.

philosophical utility. But this last merit can be ascribed to them only because there is another kind of metaphysics which needs no justification at all beyond that of inquiry in general. Revisionary metaphysics is at the service of descriptive metaphysics.¹⁷

So it is with the study of action. Revisionary theories are interesting, and may throw light on some aspect of this topic, but the extent to which they categorize the ordinary phenomenon of action is in inverse proportion to the degree of revision which they introduce.

Contemporary philosophy of action, as a branch of metaphysics, tends to be revisionary. Sometimes theorists even embrace this as the appropriate way to proceed. For example:

My policy is to use 'an action' of things in the domain of events: there is an action when there is an event which is someone's intentionally doing something—when, for example, there is Jane's unlocking of the door. Now the policy puts me in line with other philosophers: disputes about 'the individuation of action' have concerned just such particulars. But the policy does not reflect the everyday use of 'action' . . . Errors may result when the philosophical use is run together with the everyday one. In the everyday use, actions are things people do. When this use is combined with the philosophical use, it seems as if people did events. But they don't.¹⁸

The worry about confusing technical and everyday terms is acceptable. But there is an implicit assumption here that the deviations from ordinary practices characteristic of such philosophy of action are acceptable, and perhaps even a sign of the superiority of the technical notion over the everyday one. Instead, we should wonder just how much such revisionary philosophies actually change the subject, and in so doing cease to illuminate exactly the issue we would hope they could explain.

Qualification is, of course, warranted here. Ordinary practice can withstand some clarification—not all theoretical surprises change the subject. And the result of theoretical inquiry cannot help but consist in the mobilization of technical terms, rather than their everyday counterparts. The trick is, however, to devise a philosophy of action with technical terms that answer to ordinary practice. Moreover, in a descriptive metaphysics, the adjustments that must come with clarification should be as minimal as possible. In this way, and perhaps only in this way, does such a theory earn its status as a metaphysics of action, and not of some stipulated theoretically limited domain.

Let's reflect on a couple of facets of ordinary practices regarding actions. Suppose that the meaning of 'action', for everyday purposes, is 'intentional behavior'. This ostensibly provides a lay or 'folk' criterion of action. However, it is also part of ordinary practice to deploy particular action terms—i.e., to recognize events as actions, to classify them as particular types of actions—without reference to intentions, and, indeed, without explicit usage of the concept 'action'. Looking out of my urban downtown 12th floor window, I see people driving, walking, entering and exiting stores, gesturing, and talking. If I were closer, I would probably

¹⁷ P.F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London, 1959), p. 9.

¹⁸ Jennifer Hornsby, *Simple-Mindedness: In Defense of Naïve Naturalism in Philosophy of Mind* (Cambridge, Massachusetts, 1997), p. 88.

see such happenings as buyings of, e.g., newspapers. All of these events are actions, but we do not need to know any specific detail about intentions to classify them as such. In fact, we typically omit reference to 'action' altogether, and instead merely deploy particular action terms to classify these happenings. In short, besides a lay criterion of action, ordinary practice also provides us with a lay or 'folk' taxonomy of actions. The resources are right there in front of our eyes to use this data to construct a more principled taxonomy of actions. Successful usage of this taxonomy might have nothing to do with intentions. Certainly, no principled inquiry into intentions is necessary to participate in the use of this taxonomy. So the possibility is open that the lay criterion and lay taxonomy have little, perhaps even nothing, to do with each other. They could easily come apart—ordinary thought is under no particular pressure to enforce consistency between them. Given the wealth of information provided by such lay taxonomy and its apparent distance from the lay criterion of 'action', why should a theorist interested in determining what the mark of action is choose to follow the lay criterion but not the lay taxonomy? It would be preferable to accommodate both, but if they are in fact inconsistent, a choice must be made. The typical strategy has been to favour the lay criterion—try to make theoretical sense of the category 'action' in terms of the intentional production of certain sorts of event. The present purpose is to offer an alternative to typical strategies to thinking about action, so the opposite choice will be made here—I will follow the lay taxonomy at the expense of the lay criterion of action. If it is in fact the case that some significant portion of our action attribution and recognition practices does not utilize the lay criterion, then a theory that starts from this criterion risks diverging significantly from the phenomenon that is picked out by such robust practices. However, if one follows the lay taxonomy, then one risks diverging from the everyday concept of action, but one will stay close to the actual phenomenon of action that is traced by our ordinary practices or action attribution and recognition. This should be the route of lesser divergence from ordinary practice.

The result of such attention to the status question will be the construction of a technical term, 'action'. This deserves to be recognized as a technical term because of its process of development and because of its likely deviation from the ordinary concept 'action'. Yet it is an acceptable technical term because it is meant to answer to our everyday practices of action attribution and recognition. It throws light on such practices by making clear criteria of actionhood implied by these practices, but not necessarily made explicit by them. Description can quite legitimately make clear what to date has been hidden. Such illumination would serve the external aim of philosophy of action admirably.

Although one result of my look at ascriptivism will be the offering of a technical term for serious consideration in contemporary philosophy of action, it is important to emphasize that, at base, this is not a project in conceptual analysis. This is one implication of choosing the lay taxonomy of action as the touchstone for the project, rather than the lay criterion. This is a project in metaphysics: the central question concerns a particular type of event, not a concept. This point is important to keep in mind, as it distances me from the central concerns of the original ascriptivists, such as Hart. They were interested in the concept, 'action'. Consequently, certain of their

arguments have to be modified for present purposes. Also, objections to the conceptual project need not address the metaphysical project.

This approach puts me at cross-purposes with several prominent methodological trends in philosophy. My rejection of conceptual analysis should resonate with those sympathetic to naturalism in philosophy. Yet my central foil is the attempt to define or cast action in terms of causes, which is taken by many to be the hallmark of naturalism. As I see it, although I am trying, overall, to earn the right to reject naturalistic definitions of action, the methodological choice to follow the lay criterion of action is *a posteriori* in spirit, and hence more naturalistically-minded than not.

My case proceeds in three stages. In the next two chapters, I develop Hart's ascriptivism beyond his original presentation, and I defend it against important objections. The point of these chapters is to establish neo-ascriptivism as a worthy addition to the range of contemporary answers to the status question. In Chapters Four and Five, I bring ascriptivism into direct comparison with the spirit of productionism on the crucial matter of whether moral responsibility has causal criteria. If being morally responsible is explicable in causal terms, then we would have reason to see the neo-ascriptivist account of the nature of action as true but relatively superficial. It, in turn, would be open to productionist explanation of a deeper kind. I argue that, as it happens, we have good reason to think that moral responsibility does not have causal criteria, and that hence we should not expect a deeper productionistic account of the nature of action. In Chapters Six through Nine, I turn to particular versions of productionism and show that the failure to recognize the possibility of a non-productionistic answer to the status question has resulted in argumentative gaps that leave causalism, weak productionism, and *nouveau* volitionism under-supported, and in some cases facing serious problems. Concluding reflections, including remarks about naturalism, are gathered in Chapter Ten. The result is, I hope, a multi-faceted case for taking non-productionistic answers to the status question, especially neo-ascriptivism, seriously as a valuable addition to contemporary philosophy of action.

APPENDIX I

THE STATUS QUESTION: WHAT TO LOOK FOR?

1. TYPE NECESSARY CONDITIONS

My first task in providing a positive answer to the status question is to say some general things about what to look for. What should one be searching for in trying to answer this sort of question? What is the minimal mark of adequacy for this sort of inquiry?

The status question asks, 'What makes an event count as an action?' Another way of putting this is in terms of the *criteria* of actionhood: an answer to the status question provides some insight into the criteria an event has to satisfy to count as an action. Yet another way of putting this question is in terms of the kind or type of thing an action is. An event that meets the criteria of actionhood exemplifies the *kind* or *type*, 'action'. Hence an answer to the status question should shed some light on the nature of this kind.

An important aspect of the tradition of analytic philosophy of action has been the pursuit of some combination of necessary and sufficient conditions for actionhood. I examine important versions of this approach in Chapter Seven. This is a reasonable interpretation of what it means to provide criteria for a kind. However, I am inclined to think that we need to seek necessary conditions of action only. The idea is that in so doing, we are casting light on what is needed for an event to count as an action. At the risk of falling prey to antiquated terminology, what is necessary to a kind is reasonably taken as closest to its nature: it is what is essential to it. Hence, if theorists succeed in providing some sort of necessary conditions of actionhood, then they have explicated something, perhaps something central, about the nature of action. This Appendix is devoted to specifying and defending this view of the minimal target of inquiry into the status question.

Of all of the theorists to be examined in this book, the one most explicitly committed to addressing the status question in terms of necessary and sufficient conditions is John Bishop. Unlike the present suggestion, Bishop emphasizes the need for providing both necessary and sufficient conditions for action.¹⁹ He takes the provision of merely necessary conditions of action to pose a potential problem for causalists in the following way: if a necessary causal condition of action is provided, but not a sufficient one, then other necessary conditions are needed as well. This in turn leaves the door open to the provision of non-causal necessary conditions of

¹⁹ John Bishop, *Natural Agency: An Essay on the Causal Theory of Action* (Cambridge, 1989), pp. 119-120.

action, which would in turn prevent a causal analysis of action, and, by Bishop's lights, thwart attempts to get actions into the natural causal order. A causal condition that was both necessary and sufficient for action would rule out the provision of non-causal conditions: analysis would be successful and Bishop's reconciliatory naturalism would work out as he envisioned.

This argument turns on the claim that if one provides a merely necessary condition, there must be other necessary conditions. This is false. If X is necessary but not sufficient for Y to occur, then something else is needed for Y to occur, but this something else need not itself be necessary for Y . This role could be filled by the members of an open-ended list of particular events, each of which either individually or jointly with the already provided necessary condition suffices for the occurrence of Y , but in the absence of any of which Y could still occur. If Y can occur without the occurrence of some members of this list, then these items are not necessary for Y . Nevertheless, they could still suffice for Y 's occurrence when they happened, either by themselves or in conjunction with something else. Bishop slides from the need for a sufficient condition for an event—for any thing that has happened, something *necessarily* sufficed to bring it about—to the need for another necessary condition for an event. This is a mistake.

Following Bishop's commitment to a causal theory of action (CTA), the discussion so far has been in terms of the occurrence of events, and this in turn is reasonably taken to be a causal matter. However, the status question is not about the occurrence of events but rather about the status of events as actions. Let's separate questions about the occurrence of token actions from accounts of the exemplification of the type 'action' by these tokens. This gives us two sorts of necessary and sufficient conditions:

ONC: token necessary condition; condition necessary for the occurrence of an event

OSC: token sufficient condition: condition sufficient for the occurrence of an event

P^{ϕ} NC: type necessary condition: condition necessary for an event to exemplify a type

P^{ϕ} SC: type sufficient condition: condition sufficient for an event to exemplify a type

Note:

1. ' P^{ϕ} ' stands for the general category 'type, to be specified'. Specifying our type as 'action', we could substitute 'A' for ' ϕ ', yielding, e.g., P^A NC: condition necessary for an event to exemplify the type, 'action'.
2. 2) These are two place predicates. For example, some event is token necessary for the occurrence of another event. So, for two events X and Y , the first of which is token necessary for the other, the formalism would be ONC_{xy} .

For any actual event, its actual causes are *token* necessary and sufficient for it. For example, for *this* housefire to occur, it was (simplifying, and relative to

explanatory interests) token necessary and sufficient that someone was smoking in bed. If a fire had occurred here with different causes, it would be a different event. But for *a* housefire to occur here—i.e., for an event of this *type* to occur—then smoking in bed is certainly not type necessary. Lots of events of the kind ‘housefire’ occur without anyone smoking in bed. This suggests that token-necessity is a thin and strained version of necessary conditions. When we inquire into what is necessary for some sort of event, we are interested in conditions that are often more widely ranging than the particular conditions actually necessary for the occurrence of a given instance before us.

When investigating, e.g., the causes of a housefire, it seems to me that we are primarily interested in what sufficed to bring it about, and secondarily in what was necessary to bring it about. This suggests, admittedly only loosely, that this sort of causal inquiry provides a poor model for investigations into the nature of kinds. Moreover, strictly speaking, if we are explaining the occurrence of a particular event, the conditions necessary for its occurrence are the ones that actually did bring it about. Other causes that sufficed to cause a like event would still have resulted in a, strictly speaking, different event. So, from a perspective dedicated to the explanation of the occurrence of tokens, necessary and sufficient conditions conflate. Since it seems that we are naturally more interested in token sufficient conditions in these contexts, making explicit token necessary conditions fades in importance.

What about type sufficient conditions? What is their importance? First, if they are not also type necessary, then their importance is deeply lessened. If certain conditions suffice for an event to exemplify a given kind, but are not also necessary for an event to be of this kind, then these conditions do not provide much insight into the nature of this kind. By contrast, conditions without which a given kind cannot be exemplified do inform us about the nature of this kind. Second, the role of type sufficient conditions can be filled by token sufficient conditions if these events are not also type necessary. What suffices for an event to exemplify a given kind can be whatever brought about the particular event, so long as type necessary conditions are also somehow satisfied. For example, smoking in bed suffices for subsequent events to count as a housefire so long as conditions necessary for this type of event are satisfied. Third, since lots of events of different kinds can suffice for, e.g., particular housefires, and since token sufficient conditions can fill the role of type sufficient conditions, then it seems that for housefires we have the possibility of an open-ended list of type *merely* sufficient conditions. The longer this list is, the less that enumerating its members will tell us about the nature of housefires. Generalizing, it seems that wherever there are type sufficient conditions that are not also type necessary, we have the possibility of uninformative lists of such conditions. All of this reinforces the idea that type necessary conditions are the place to look to shed light on the nature of a kind.

We can put such ideas to use more generally and formally. Although this is not an argument, this schema serves to clarify an important methodological aspect of the present project:

1. E: event
 $(x)(\exists y)(\exists z)(E_x \rightarrow \text{ONC}_{yx} \bullet \text{OSC}_{zx})$
 (Note: we have to keep open the possibility that $z=y$.)

More colloquially, for any event, it is necessary that there are conditions necessary and sufficient for its occurrence.

2. $(x)(\exists y)(\exists z)(P_x^\phi \rightarrow P^\phi \text{NC}_{yx} \bullet P^\phi \text{SC}_{zx})$

More colloquially, for any exemplification of a type yet to be specified, there must be conditions necessary and sufficient for the exemplification of that type (keeping open the possibility that $z=y$).

3. Given the relative importance of token sufficient conditions and type necessary conditions, we can omit token necessary and type sufficient conditions as relatively unimportant. So, when inquiring into an event that exemplifies a given kind, one should pay particular attention to type necessary and token sufficient conditions.

For the purposes of inquiry: $(x)(\exists y)(\exists z)(P_x^\phi \rightarrow P^\phi \text{NC}_{yx} \bullet \text{OSC}_{zx})$

This formalization emphasizes, for the purposes of inquiry, type necessary and token sufficient conditions.

4. We can now fill in for action:

For the purposes of inquiry: $(x)(\exists y)(\exists z)(P_x^A \rightarrow P^A \text{NC}_{yx} \bullet \text{OSC}_{zx})$

More colloquially, for the purposes of inquiry, for any instantiation of the type, 'action', there must be some condition necessary for this instantiation to count as an exemplification of this type, and there must be some condition sufficient for the occurrence of this instantiation. Less colloquially, there must be, for every instance of the type action, something type necessary and something token sufficient.

Given that our interest is in the criteria of actionhood, token sufficient conditions should not occupy much of our attention. Recall that it is possible for this role to be filled by an open-ended list of otherwise unrelated particulars. Even if the list is finite and long, it will not tell us much about the nature of action. Instead, our attention should be given to the provision of at least one type necessary condition of action. Finally, we can say that a minimal yet central and very important goal of inquiry into the status question is the provision of at least one type necessary condition for action.²⁰

²⁰ The provision of type necessary conditions of action only will not reconcile hard cases in which one is not sure whether a given event counts as an action. If the event satisfies the proffered type necessary condition, one still does not know whether conditions sufficient for it to be an action have been

2.COMPLICATIONS

One might worry that this investigation is committed to a potentially outmoded view of types. It seems to assume that there must be something essential to a type, but this need not be the case. By contrast, a family-resemblance view of types, following Wittgenstein, allows for instances of the same kind to share nothing in particular in common. On this view, perhaps a kind is characterized by a finite list of characteristics, no one of which, nor any particular combination of which, is necessary for an item to count as an instance of this kind. Exemplifications need only have at least one of the characteristics on the list. Wittgenstein's famous example is of games. There are all sorts of particular practices that we recognize as games, but they differ in many ways. Relatedly, a proto-type conception of kinds might conceive of the kind as a rather abstract universal which, for instance, might stand as determinable to particular determinate instances. For this sort of kind, it is *prima facie* possible that one would be unable to point to any particular individuating characteristics at all. Rather, instances would count as members of the same kind by virtue of seemingly uncodifiable relations of resemblance to each other and to the abstract pattern they seem to share in varying degrees. The famous example of this view of kinds is the kind, 'bird'. Proponents of this view suggest that instead of a clearly delineated type, we have in mind a rather abstract notion of bird that particular instances—robins, penguins, emus—all resemble, but to different degrees. The upshot is that on neither of these views of kinds is there any reason to think that we should be searching for necessary conditions of their exemplification.

Fair enough. But it is possible to accept all three views of kinds, because it is possible that there are different kinds of kinds. Indeed, if we 'go meta' and apply either of these sophisticated views of kinds to the notion 'kind' itself, then we are left with the independently plausible view that some kinds can have type necessary conditions while others do not, and are more properly subsumed under a family resemblance or proto-type model.

As for the following chapters: in the first place, I defend an answer to the status question that identifies a type necessary condition of action. However, we can leave open the possibility that, if this case fails, a different notion of 'kind' might be more appropriate to this domain. In the second place, however, we will have room to consider the use of these alternative notions of kinds simultaneously with the view I will be defending. I shall leave this subtle possibility aside until we are in a position to discuss it explicitly.

satisfied. This is a flaw only if accounts of such phenomena must be able to provide answers in such cases. I find this implausible, and I am not alone. For example, Robert Nozick makes the same sort of remark about his theory of knowledge: '... not every account of a notion specifies such procedures to decide its application ...' (*Philosophical Explanations* (Cambridge, Massachusetts, 1981), p. 287).

CHAPTER 2

ASCRIPTIVISM RESURRECTED: THE CASE FOR ASCRIPTIVISM

1.INTRODUCTION

The purpose of this chapter is to defend the following (limited) answer to the status question:

The possibility of attributing responsibility for an event is a type necessary condition of that event counting as an action.

My case has several stages. I will start with an extensive look at H.L.A. Hart's original presentation of ascriptivism. Hart introduces ascriptivism in an extended analogy. This, however, is not much of an argument *for* the position. Rather, it is best seen as a model for thinking of actions in the way suggested by ascriptivism. Second, I will begin to provide a positive argument for a modified ascriptivist thesis about the mark of action by disentangling some common confusions about the sense of 'ascribe' at work in this position. This argument will consist in tracing the relations among the various ways the issue of ascription arises in contexts concerning actions and responsibility. These first two steps will be presented in the present chapter. Finally, in the next chapter, I will show that the influential objections to ascriptivism either can be answered directly, or have limited weight.

2.HART'S POSITION

In the first paragraph of 'The Ascription of Responsibility and Rights', Hart sets out his plan:

My main purpose in this article is to suggest that the philosophical analysis of the concept of a human action has been inadequate and confusing, at least in part because sentences of the form 'He did it' have been traditionally regarded as primarily descriptive whereas their principal function is what I venture to call *ascriptive*, being quite literally to ascribe responsibility for actions much as the principal function of sentences of the form 'This is his' is to ascribe rights in property.²¹

²¹ H.L.A. Hart, (1948-9). 'The Ascription of Responsibility and Rights'. *The Proceedings of the Aristotelian Society*, (1948-9), p. 171.

Hart's reference to property is very important: his paper is one long, complex analogy. Hart spends the next sixteen pages of his article discussing legal utterances, beginning with property and moving closer to action by then considering criminal charges and the concept of *mens rea*. Only seven pages are spent on action itself. Objectors have focused solely on Hart's discussion of action, and it is fair to wonder whether they may have missed the nuances of the analogy. Of fundamental importance, and completely omitted by most commentators, is Hart's discussion of legal decision-making, or *judgment*. Table 1 shows the structure of the analogy.

Judgments

Consider what happens when a judge makes a decision. The two sides have presented their cases: these are the grounds on which the decision is made ([J5] above). On the basis of such argumentation, the judge decides whether the issue at hand is as one side or the other represented it. That is, the judge decides what kind of event is at issue ([J1] above). This is the heart of the judicial decision; once this step is taken, formal consequences follow. The concepts the judge has for operation in judgment have not been precisely defined by legal theorists, ready for application. Rather, they are the results of rough-and-ready laws in action. The judge has to proceed by precedent reasoning—deciding whether the present case is like past ones in legally relevant ways. Hart considers the concept 'contract' in connection with this matter. Since there are all sorts of particular contracts, the concept is open-ended: in a list of characteristics of contracts, Hart thinks you eventually have to rest with 'et cetera'. This precludes definition by necessary and sufficient conditions ([J2] & [J4] above).

Legal judgments are also essentially defeasible ([J3] above). Take 'contract' again. After the list of characteristics of contracts (Something counts as a contract if it has characteristics A, B . . . etc.), Hart thinks we have to include the conditions which defeat the application of the contract (etc., unless . . .). In legal situations, new evidence can change the official judgment regarding the application of a category. Even further, defeasibility is properly seen as being an aspect of the concepts brought to bear in judgment, and not as a property merely of the act of judging. Hart's point is not just that human judges are fallible; it is that it is built into the nature of our social concepts that certain states of affairs count as defeating them (e.g., X belongs to Y *unless* . . .). Aspects of the world beyond human limitations count as defeating the (affirmation of the) existence of legal entities and arrangements.²²

The matter of defeasibility conditions is more important than it might seem. Hart points out that, sometimes, legal concepts are defined with lists of positive conditions that must be met for the concept to hold. This would resemble a set of necessary and sufficient conditions. Hart provides a specific example:

²² Michael Martin rejects Hart's position on the definition of legal terms as presented in this early paper (*The Legal Philosophy of H.L.A. Hart: A Critical Appraisal* (Philadelphia, 1987), pp. 115-22). G.P. Baker has worries about Hart's argument in this paper, but defends the position as consistent with constructivist semantics ('Defeasibility and Meaning', In P.M.S. Hacker & J. Raz, (eds.), *Law, Morality, and Society: Essays in Honour of H.L.A. Hart*. (Oxford, 1977)). Since I turn ascriptivism away from semantics and how to define terms, I will not pursue this issue.

Thus Sir Frederick Pollock, writing of the consent of the parties required for the constitution of a valid contract, says 'but we still require other conditions to make the consent binding on him who gives it. . . . The consent must be true, full, and free.'²³

Table 1. Structure of the Analogy in Hart's 'The Ascription of Responsibility and Rights'.

Judgments	Actions
J1] Judgments are to the effect that a certain state of affairs falls under a certain category, and that hence certain consequences follow.	A1] People decide that an event is of a certain sort—an action at least, and often some more specific variety—and that certain consequences (credit, blame) follow from this fact.
J2] The concepts involved in judgments are open-ended.	
J3] The concepts involved in judgements are defeasible.	A2] Actions are defined by their exceptions—the circumstances that defeat the ascriptions. Hence, the concept is defeasible.
J4] As a consequence of [J2] and [J3], it is impossible to define such concepts in terms of necessary and sufficient conditions.	A3] [A2] entails that it is impossible to give necessary and sufficient conditions for the concept 'action'. ²⁴
J5] Judgments are made on the basis of grounds.	A4] Action ascriptions are made on the basis of grounds.
J6] Judgments can be good or bad, but not true or false.	A5] Action ascriptions can be good or bad, not (primarily) true or false.
J7] Despite [J6], judgments are a realist undertaking.	A6] Despite [A5], action ascriptions are realist undertakings.

This sounds like a clear list of positive conditions on 'consent' that must hold for a contract to hold and be recognized by a court. But consider: how would we find out if consent made the grade in a given case? We would see if any defenses could

²³ Hart, 'The Ascription of Responsibility and Rights', p. 177.

²⁴ Hart does not discuss open-endedness once he turns to actions. However, nothing principled precludes him from saying that since there are all sorts of particular actions, this concept is also open-ended—a list of essential characteristics will eventually have to rest with 'etcetera'. See the discussion of judicial open-endedness for comparison.

be made against the claim that a contract had been entered. Hart's contention is that such lists of positive conditions are only veiled summaries of the defeasibility conditions. To say that someone entered a contract fully, truly, and freely is only to say that the defenses that might be offered will carry no weight. It is not to make a specific claim about the presence of complex psychological happenings at some past point in history.

Judicial pronouncements are not properly seen as descriptions. In particular, it is inappropriate to evaluate them as true or false. Instead, judges are affirming that some event is, e.g., of a certain kind. Such affirmations can be appropriate or not—i.e., they can be good or bad ([J6] above). When a higher court revokes a judgment, it is not on the basis of the falsity of the previous judge's statements, but rather on the grounds that the concepts applied were done so inappropriately. Despite this, judgments are realist in spirit ([J7] above). Judges affirm that an event *is* of a certain kind. Their official recognition merely binds others to behave towards the issue in certain ways; it does not make the event anything new.

Decision is a socio-pragmatic affair. The concept affirmed in a judge's judgment is a social 'idea'; regarding contracts, the judge affirms that a certain chain of events is indeed an example of a type of social entity. Being a contract presupposes a complex way of living. This should not be seen as compromising the reality of contracts. The way of living is quite real, and the arrangements people make while engaging in such social arrangements have palpable consequences, even with regard to the distribution of obviously physical objects. It is true that the judge's decision is a type of interpretation—the judge urges us to see matters as being of a certain type—but this just means that the conceptual framework engendered by the way of living is being brought deliberately to bear on matters. In cases where there is no dispute about whether, e. g., a contract was made, the same interpretive framework is involved, merely less conspicuously. The fact that there would not be contracts apart from certain ways of living should not be taken to compromise their reality. There would not be humans, or any other animals, but for certain physical properties and happenings; this, I assume, is not taken as compromising the reality of these arrangements of matter. By analogy, the same goes for social 'entities'.

Actions

The point Hart wishes to bring out about action is that:

. . . the concept of a human action is an ascriptive and a defeasible one The sentences 'I did it, 'you did it,' 'he did it' are, I suggest, primarily utterances with which we *confess* or *admit* liability, make accusations, or *ascribe* responsibility; and the sense in which our actions are ours is very much like that in which property is ours, though the connection is not necessarily . . . a responsibility under positive law.²⁵

It is important to notice that Hart says that the ascriptive function of such sentences is their *primary* function, not their sole function. Hart is not missing an important and obvious feature of our action-language; he is merely arguing that such uses of action sentences as description are secondary to ascriptive ones. Specifically,

²⁵ Hart, 'The Ascription of Responsibility and Rights', pp. 187-8.

he notes that the ascriptive use obtains mostly in the past tense.²⁶ This all means that *primarily*, it is incorrect to speak of action ascriptions being true or false, but when used descriptively they are subject to truth-value evaluation [A5].

Note that Hart is explicit about considering the kinds of things people say and the contexts in which such utterances are made. One could extrapolate to unuttered thoughts, but Hart does not do so. There is a distinct sense in which he portrays action considerations as themselves active—someone *judges* that an event is of a certain character [A1]. In this sense, action utterances and thoughts are very much like judicial decisions. This might seem artificial to some. Note that, above, I represented the judge as making explicit the interpretive framework that has developed with a way of living. The sort of interpretation that comes with a group of practices is typically engaged with less conspicuously. By representing the matter of recognizing actions as very act-like, Hart is also making a facet of our everyday practices more explicit than it normally is. We recognize acts automatically, and we are not aware of the sort of classification that is involved in the process. By focusing attention on the public and more tentative sort of judgment that takes place in conversation (tentative because interlocutors can challenge any public utterance, whereas such challenge does not take place in the silent domain of one's barely formulated act-classification thoughts), it is reasonable to interpret Hart as prompting us to see our act sentences and thoughts as essentially interpretive judgments. Conversational judgments are also realistic in the same way courtly judgments are: a chain of happenings is recognized and affirmed as being of a certain kind—they *count* as that sort of thing [A6]. Being done without explicit expertise, we might expect a wider variety of judgments, and perhaps a wider variety of poor judgments, in everyday conversation. However real a possibility this might be, there seems to be widespread agreement about what events are actions and what properties they have. Discord about actions is not common.

Right away Hart turns to the most famous question in philosophy of action, 'What distinguishes the physical movement of a human body from a human action?'. This book opened with Wittgenstein's version of this question. Implicitly taking this as addressing status issues, Hart points to two popular answers to this question—the 'old-fashioned' answer that the difference is the pre-occurrence in the agent of a psychological event which causes the movement, and the 'modern' answer that a sentence saying that someone did something asserts a categorical proposition about the movement and a general hypothetical proposition that the agent would have moved differently had s/he chosen differently. That is, the answers to the question Hart is criticizing are those offering a causal or counter-factual analysis of the event. Hart claims that these answers share a mistake: '...the common error of supposing that an adequate analysis can be given of the concept of a human action in any combination of the descriptive sentences, categorical or hypothetical, or any sentences concerned wholly with a single individual.'²⁷ Hart supports this claim with an analogy using property. Consider a question someone puzzled about the nature of property might ask: 'What is the difference between a

²⁶ Hart, 'The Ascription of Responsibility and Rights', p. 188.

²⁷ Hart, 'The Ascription of Responsibility and Rights', p. 189.

piece of earth and a piece of property?’²⁸ Hart thinks that ‘property’ is not a descriptive concept, and that sentences about property are not primarily descriptive utterances. Rather, property sentences presuppose the ways we claim and ascribe rights to property. Hart’s point is that the difference between earth and property cannot be explained without reference to the laws and/or social practices by which we recognize property rights. The difference between earth and property is the social relationship one item (the property) stands in to some person(s). Of the *property*, someone could say ‘this is mine’ and have a claim to proprietary rights recognized and respected; using the same utterance with regard to the mere earth brings about no such consequences. Actually answering the questions might even proceed by referring to such utterances and their socially engendered consequences. The analogy is direct: the difference between action and movement must be explained via reference to the ‘. . . non-descriptive use of sentences by which liabilities or responsibility are ascribed.’²⁹ Hart’s answer to the status question utilizes social criteria rather than naturalistic ones such as mental causes.

Defeasibility [A3] has entered the account somewhat surreptitiously. Both the causal and the counterfactual analyses refer to something the agent does but which is not readily apparent to an observer—willing or intending for the causalist (strong productionist), choosing for the counterfactual analyst. Part of Hart’s case is to ask how we support the inclusion of such hidden factors in our analyses. The answer is self-interpretation. Either the theorists can ask agents, or they can try to figure out what is going on in themselves when they do something, or they can observe the context of the event. Normally, such inquiry occurs only when there is something serious at stake, or when an ascription is being challenged; the theorist’s pursuit of general conditions of action is an oddity. In normal cases, the question of a psychological event only comes up when we are wondering whether extenuating circumstances might mitigate the degree of responsibility for an action to which an agent might be subject.³⁰ For instance, we might wonder whether a person ‘meant’ to do something egregious, and the answer might be that the act was performed ‘accidentally’—e.g., the vase was broken when X slipped on ice. In the absence of such a defense, we would probably decide that X ‘meant’ to do the action. Hart’s contention is that whatever we represent as a positive condition of the action is actually to be understood through reference to the defenses that might be offered to get off the hook. The action theorist’s pursuit of some positive general condition of action is a misrepresentation of the defeasibility of the concept. Moreover, given that the defenses that might be offered are a heterogeneous bunch,³¹ the theorist’s attempt is doomed to failure; nothing is going to serve as the positive condition for which the absence of the defenses serves as evidence. The actual facts of the matter with respect to an action—the movement, plus the ability to answer challenges that might defeat the action ascription—are misconstrued by the popular answers as *evidence* pointing to some positive factor in the agent—the psychological cause. Hart’s

²⁸ Hart, ‘The Ascription of Responsibility and Rights’, p. 189.

²⁹ Hart, ‘The Ascription of Responsibility and Rights’, p. 189.

³⁰ Hart, ‘The Ascription of Responsibility and Rights’, p. 191.

³¹ See Hart, ‘The Ascription of Responsibility and Rights’, pp. 190-1 for examples.

contention is that such facts of the matter are not evidence but are *criteria* or *grounds* for the ascription of the action, responsibility, and consequences [A4].³²

Hart's argument about the defeasibility of legal concepts and the concept of action needs adjustment for the analogy to go through. The analogy holds between specific legal concepts—e.g., 'contract'—and specific action concepts—e.g., 'murder'. That is, what is really defeasible is the concept of 'killing'. This entails that action itself is defeasible, but this does not seem to mean much—we always ascribe particular sorts of actions. Still, philosophers do wonder about the general category 'action'. It can now be seen that Hart has provided, perhaps in spite of himself, an answer to the status question: actions are those events for which we hold people responsible. That is, responsibility is a type necessary condition of action. It takes but a moment's thought to show that it is not sufficient: we hold people responsible for inaction as well, and to claim that such occasions are actually actions is an undesirable revision of everyday categories. As we shall see shortly, to claim that responsibility is type necessary for action is still too strong a claim to be defensible. However, taken with a grain of salt, this claim does give the appropriate flavour of ascriptivism.

It is very important to note that it is a normative notion of responsibility that is intended here. The analogy holds not for causal responsibility, but for moral responsibility, or perhaps what we might call 'social' responsibility. This might be tied to causal responsibility in important ways, but it is not causal responsibility that is of prime importance in Hart's analogy.

One might well worry about the present use of Hart's position. Hart casts his argument as about the *concept* of action, but instead of concepts, my explicit interest has been events. In my defense, we see in Hart's argument how metaphysical and conceptual issues come together. It is actually misleading to see Hart's argument as solely about the meaning of concepts; it is rather about how certain concepts work, how they are deployed. Hart's discussion of judgments highlights this important aspect of his case. The use of particular action concepts, such as 'murder', is central to our lay taxonomy of actions. A taxonomy is a classificatory scheme. A taxonomy of actions is a way of classifying those events that count as actions. So, instead of limiting his case to concepts, I suggest that Hart's answer to the status question can profitably be seen as clarifying a principle of classification implicit in our lay taxonomy of actions. There should be no question that our lay taxonomy of actions is adequate: it is so robust as to draw essentially no attention and to provide few if any practical problems. Presumably, an adequate taxonomy classifies the items in its domain appropriately, i.e., according to real similarities and differences between them. Since Hart identifies a principle of inclusion in a particular adequate taxonomy, we have good reason to think that his position identifies a feature of events exploited by our practices of action recognition an attribution. That is, a metaphysical interpretation of Hart's argument is perfectly legitimate.

For present purposes, however, Hart's argument does have clear limitations. Hart's analogy between action and property, and between judgments and action ascriptions, provides a model for thinking about action and status issues. One might

³² Hart, 'The Ascription of Responsibility and Rights', p. 189.

worry that his account of judgments is, unfortunately, somewhat weak. For instance, there is little emphasis given to decisions made unproblematically in accordance with existing law. I will not pursue further problems of this sort, for they do not matter to the present case. Such problems would pose a serious problem if Hart's analogy had to be taken as an argument *for* ascriptivism. As I have presented it, however, it is best seen as providing *merely* a model that calls for positive defense on *other* grounds. It is to the provision of at least the beginnings of such a case that I now turn.

3.A POSITIVE ARGUMENT FOR ASCRIPTIVISM

My experience in discussing ascriptivism with others has been that it is easily misunderstood. Indeed, evidence of this is present in literature on ascriptivism. For instance, Kurt Baier offers the following as characteristic of ascriptivism:

A once popular theory held that attributing to someone a certain deed, i.e., saying something of the form 'He did it,' is to ascribe to him two things: first, some bodily movement which was the cause of 'it,' or a causal factor in 'its' coming about, or which 'constituted it'; and secondly, responsibility for 'it.'³³

Compare this with P. T. Geach's offering:

... some Oxford philosophers, whom I shall call Ascriptivists, have resorted to denying that to call an act voluntary, intentional, and so forth, is any sort of causal statement, or indeed any statement at all.

Ascriptivists hold that to say an action x was voluntary on the part of an agent A is not to *describe* the act x as caused in a certain way, but to *ascribe* it to A, to hold A responsible for it.³⁴

These characterizations are strikingly different from each other. Baier tells us that the primary aspect of ascriptivism is attribution of causation to the agent for the action. Geach, quite oppositely, tells us that ascriptivists forego talk of causation completely. As we can see already from the discussion of Hart, neither gets it right. I have presented the ascription *of responsibility* as central to the ascriptivist answer to the status question. The reason such misunderstandings occur is the ambiguity of 'ascribe'. There are, at least, the following three ways one can speak of ascription and action:

- 1) One ascribes 'action' to an event.
- 2) One ascribes an action to an agent.³⁵
- 3) One ascribes moral responsibility to an agent.

³³ Kurt Baier, 'Responsibility and Action'. In Myles Brand (ed.), *The Nature of Human Action* (Glenview, Illinois, 1970), p. 112.

³⁴ Geach, 'Ascription', p. 221.

³⁵ I take this as equivalent to the idea expressed in Baier's misreading, that one sometimes ascribes causation to an agent for an action.

The status question is reasonably taken to concern the propriety of ascribing ‘action’ to an event, which is the issue brought up in (1). The status question can reasonably be taken as asking when (1) is appropriate. The ascriptivist seems primarily concerned with responsibility, the issue that arises in (3). Given that I have represented ascriptivism as an answer to the status question, it is important to trace the relationships between (1) and (3), with the reasonable expectation that (2) will arise in the discussion. Not only will doing so provide the important beginnings of a positive argument for ascriptivism, but it should also alleviate the tendency to misunderstand this position. So, about the three senses of ascribe:

- a) To ascribe ‘action’ to an event is just to describe an event as an action. Nothing distinct is brought in with the notion of description. Consequently, we can add the following to our schema:

1’) One describes an event as an action.
1=1’

- b) (2) and (3) are related:

Ascribing moral responsibility is often done by ascribing an action to an agent. This notion calls for a modification of (3). Specifically, we often ascribe moral responsibility for an action by ascribing an action to an agent. Further modifying the schema:

3’) One ascribes moral responsibility for an action to an agent.

More importantly, one cannot ascribe an action to a person without raising the *possibility* of ascribing moral responsibility for that action to that person. To say that somebody *A* did *X* effectively gives them a status that they did not have before: praise and blame now become relevant ways of treating *A*, whereas they were not relevant before *X* was attributed to *A*. So:

$2 \rightarrow \Diamond 3'$

More colloquially: If one ascribes an action to an agent, then it is possible that one ascribes moral responsibility for that action to the agent. Even more colloquially: if one ascribes an action to a person, then it is possible to ascribe moral responsibility to that person for that event. This depends on the ascription of the action to the person as being apt. Speaking for myself, it is not unusual to feel oddly uncomfortable when someone ascribes to me an action that someone else performed. I think this is due to the link between such ascriptions and one’s moral standing. If ascriptions of actions to people did not come with normative ramifications, then such feelings would be gratuitous.

It is clear that ascribing an action to a person does not suffice to ascribe moral responsibility to the person for that action. Excusing considerations can make this inappropriate: ‘She did *X*, but it is not her fault because . . .’ Nor is the possibility of

ascribing responsibility for an action to a person sufficient to ascribe that action to the person in question. One may be morally responsible for the actions of someone else. For instance, parents might be, to some degree, morally responsible for the actions of their children. Such claims are the most compelling when the children are very young and not yet appropriate candidates for full-blown ascriptions of moral responsibility. Alternatively, the propriety of ascriptions of praise and blame can be defined by institutional rules. The CEO of a corporation might be morally responsible for actions performed by corporate subordinates.

We will have an opportunity to examine attributions of responsibility further in subsequent chapters.

- c) Given that the present inquiry explicitly restricts attention to *human* action, to ascribe ‘action’ to an event is necessarily to ascribe an action to an agent. Further, ascribing an action to an agent clearly necessarily ascribes ‘action’ to an event. So:

$$1 \leftrightarrow 2$$

Finally, we are in a position to trace the relations among (1), (2), and (3). Recollecting our premises:

- 1) One ascribes ‘action’ to an event.
- 1’) One describes an event as an action.
- 2) One ascribes an action to an agent.
- 3) One ascribes moral responsibility to an agent.
- 3’) One ascribes moral responsibility for an action to an agent.

First Point:

- a) $1=1'$ Established in (A) above.
- b) $1 \leftrightarrow 2$ Established in (C) above.
- c) $\therefore 1/1' \leftrightarrow 2$ Makes explicit the relation between 1, 1', and 2, given (a) & (b).
- d) $2 \rightarrow 1/1'$ Simplification of (c).
- e) $2 \rightarrow \Diamond 3'$ Established in (B) above.
- f) 2 Hypothesis, for the sake of argument.
- g) $\therefore 1/1' \bullet \Diamond 3'$ *Modus ponens*, from (d), (e), & (f).

On (f) and (g): To ascribe an action to a person is necessarily to describe an event as an action and to raise the possibility of attributing responsibility for that action to that person.

Second Point:

- h) $1/1' \rightarrow 2$ Simplification of (c).
- i) $\therefore 1/1' \rightarrow \Diamond 3'$ Transitivity of implication, from (e) and (h).

On (i): The possibility of ascribing responsibility to an agent for an action is a necessary condition of ascribing 'action' to the event in question and of describing the event in question as an action.

There are several issues to address at this point. First, the matters of description and ascription of 'action' to an event, which are the domain of 1/1', are the heart of the status issue. The status question asks about conditions of propriety for performing exactly these descriptions/ascriptions. Second, I am taking 'it is possible to ascribe moral responsibility to an agent . . . ' as equivalent to 'the possibility of ascribing moral responsibility to an agent . . . '

The final and crucial matter to address is whether the necessary condition here identified is a *type* necessary condition. Type necessary conditions were defended in Appendix I as a reasonable way to interpret criteria: if one is searching for the criteria of exemplification of a certain kind, the minimal target should be the provision of at least one type necessary condition. So, is the possibility of attributing moral responsibility to an agent for an event type necessary for that event counting as an action? Merely identifying a necessary condition does not answer this question. Lots of conditions are necessary for an event to count as an action. As a trivial example, for an event to count as an action, it is currently necessary, but not sufficient, that it take place within our solar system. This is clearly not a plausible candidate for a criterion of actionhood, although it is a necessary condition. The question is how to separate criterial necessary conditions from non-criterial necessary conditions.

This matter has to be approached from several fronts. In the present case, the argument for seeing the possibility for attributing moral responsibility for an event as type necessary for appropriately describing that event as an action uses premises concerned only with responsibility, such description, and the connection of actions to persons. No part of this account turns on matters further removed from the immediately defining concerns of the status issue than these. By contrast, one has to venture far from the domain of action itself to show the presence of an event within this solar system as necessary for the description of that event as an action. This provides very good grounds for thinking that moral responsibility has more to do with the nature of action than relative astronomical location. To some degree at least, it is a type necessary condition of action.

The rest of the case for treating the possibility of attributing moral responsibility for an event as type necessary for that event counting as an action turns on examining the nature of moral responsibility itself, and its relation to other possible type necessary conditions. In particular, examining these matters will address just how important this type necessary condition is. Is the possibility of holding someone responsible for an event a deeply revealing type necessary condition of action, or is it relatively superficial?

What one can hold another responsible for is partly determined by social context. For example, in any particular social context it is reasonable to expect there to be institutions that define practices that themselves provide norms for attributing moral responsibility. Taking a cross cultural perspective, it is also reasonable to think that not all such institutions appear in all social contexts. So, in context *A* with a given institution, it is possible to hold a person responsible for certain events, but in

context *B* which lacks the institution in question it is not possible. More subtly, social contexts can have similar yet different institutions with the same variations in responsibility attributions. This possibility in turn yields the possibility that certain events count as actions in some social contexts, but not in others. This, as it turns out, differs greatly from productionist theories of action. The reason is that productionist answers to the status question treat the role of action ascriptions in moral contexts as accidental. By contrast, ascriptivism treats such roles as essential to what it is to be an action.

Given this difference between the ascriptivist candidate for a criterion of action and rival criteria, we are faced with the following two options. Either the ascriptivist answer is a deeply revealing type necessary condition, or it is not. If the first option were the case, then the context-variability of action ascriptions would be a relatively important feature of this kind. This in turn would make an unfavorable climate for rival criteria that did not allow of such variability. If the second option were the case, then there would be context free, brute-metaphysical type necessary conditions of action that were more deeply explanatory than the connection of action descriptions to the possibility of attributing moral responsibility. The most likely form for this possibility to take, perhaps its only form, would be one in which non-moral criteria for the propriety of ascribing moral responsibility itself were provided.

There are actually two aspects to the question of ascribing responsibility:

1. What is it for a person to be responsible?
2. When is it possible to ascribe responsibility for an event?

The first question, about responsible agents, is a vast topic. I will address it in Chapters Four and Five, so I will put it aside now. In those chapters I will examine, and reject, the notion that the criteria of being responsible are non-moral. This supports the present position. For the meantime, let's consider what it is to be able to ascribe responsibility for an event.

This matter is genuinely ambiguous. Making clear this ambiguity gives us narrow and wide versions of ascriptivism. The issue is what it means for an event to be morally *neutral*.

- a) One view claims that it is in fact impossible to ascribe responsibility for morally neutral events. The guide for this will often be whether or not we do in fact ascribe responsibility for a given event.
- b) The other view claims that it is possible to ascribe responsibility for morally neutral events because they fall within the moral domain. It is impossible to ascribe responsibility for events outside of the moral domain. These events are neutral because they are, in a sense, *amoral*.

The first position, of course, also holds that it is impossible to ascribe responsibility for amoral events. The crucial differentiating issue is the standing of morally neutral events with regard to the possibility of attributing responsibility. This is important because this difference yields different answers to the question of what can and cannot count as an action. (a) entails a *narrow* ascriptivism that

discounts many events that we would, pretheoretically, be inclined to count as actions. For example, by the standards of (a), when a person alone at home working at a table pushes a book a little further away from him/her, this is not an action. This event is completely morally neutral. The same goes for many other events that a person performs while alone. By contrast, (b) entails a *wide* ascriptivism. Since pushing a book across a table is *morally* neutral, it falls within the moral domain. It is not amoral in any sense. The wide ascriptivist will say that this *can* be action: since the possibility of ascribing responsibility to an event is just a type necessary condition of action, the matter is not decided by determining that an event falls within the moral domain.

There are other ways to put the difference between (a) and (b). (a) emphasizes the *token*-impossibility of ascribing responsibility for an event. If we do not ascribe responsibility for *this* event, this will often suffice to show that we in fact cannot ascribe responsibility for it. (b), however, emphasizes *type*-impossibility. Of a token action, the wide ascriptivist is inclined to ask, 'Is this the *sort* of thing for which one could attribute responsibility?'. The answer to this question for morally neutral events is affirmative: in slightly different contexts, otherwise morally neutral events are ones for which we would attribute praise or blame. This shows that the present action is clearly of a sort for which we can attribute responsibility. But the answer to this question for amoral events is negative. The issue of ascribing moral responsibility does not arise for events outside of the moral domain. Not only can we not ascribe moral responsibility for, e.g., the falling of the rain, but the very thought sounds crazy. The moral domain is being stretched beyond its bounds just to formulate the question.

One might worry here that, despite the counter-intuitive implications of narrow ascriptivism, wide ascriptivism falters by the standards of the desirable uses of a theoretical answer to the status question. One might use such a theory to illuminate, if not decide, the action status of particular tokens. Of any event, we should be able to look at *it* with the resources of a theoretical answer to the status question and say something about whether it could be an action, and why. However, the question the wide ascriptivist poses about the possibility of attributing responsibility abstracts away from tokens to action-types. This seems to change the subject in an undesirable way.

This worry is mitigated by attending more closely to the way responsibility works. Apart from status interests, when deciding in practice whether to ascribe responsibility for a particular event, one might well ask the question that the wide ascriptivist asks. Finding out the kind of event with which one is dealing can be crucial for this purpose. In this sort of practical situation, one's primary interest is the *particular* event, the token. The question about the kind of event serves this interest. One might well discover that the token warrants the ascription of responsibility *because* of the kind of event it is. Or one might discover that the token does not warrant such ascription again *because* of the type it exemplifies. The upshot is that the wide ascriptivist is not problematically changing the topic by asking, or tokens, whether they are the sort of thing for which one could attribute responsibility. This question is an acceptable way to examine the tokens themselves.

I am inclined to be a wide ascriptivist, but I am not going to offer a knockdown argument for it against narrow ascriptivism. The reason I choose wide ascriptivism is the descriptive methodology of the present examination of action. Wide ascriptivism calls for far less revision of our lay taxonomy of actions than narrow ascriptivism does. Since I am using our lay taxonomy as a theoretical touchstone, I am suspicious of narrow ascriptivism. For present purposes, I will mean wide ascriptivism when I speak of ascriptivism, unless otherwise noted. Moreover, it is worth emphasizing that critics of ascriptivism go awry if they focus only on narrow ascriptivism. Wide ascriptivism is available and attractive.

Before turning to the question of what it is for a person to be morally responsible, there are more direct obstacles to face. Actual objections made to Hart's position are the topic of the next chapter.

CHAPTER 3

ASCRIPTIVISM DEFENDED: THE CASE AGAINST ASCRIPTIVISM

1. PRINCIPAL OBJECTIONS

Let's turn to the objections that historically were seen as serious challenges to ascriptivism. I will argue that the bulk of the objections can be answered directly, and where they do have a point, the result is not the refutation of ascriptivism but rather an opportunity for a constructive modification of Hart's position. Once the objections have been reckoned with, a more robust ascriptivism will have emerged.

1.1 Objection 1: Attribution of Responsibility to Someone other than the Agent

The first objection is that sometimes attributions of responsibility are made not to the actor, but to someone else. In such cases, action-ascription and responsibility-ascription come apart. Myles Brand suggests this example: 'If I am a child or a member of an ideal Communistic communal, responsibility for what I do is ascribable not to me, but rather to my parents, or in the latter case, to the community as a whole.'³⁶ Hence, the claim is, the inclination to see 'responsibility' as somehow essential to 'action' is undermined.

It is difficult to see the force of this objection. It does not affect the broadest expression of the ascriptivist type necessary condition of action: actions are those events for which we can hold people responsible. This condition does not identify *whose* the action is to be. Bob Ware has pressed me to clarify why the action is the child's when the responsibility is attributed to the parent. The reason is that the child causes the event for which responsibility is being ascribed. This is not productionistic: non-productionistic ascriptivism as an answer to the status question leaves lots of legitimate production issues, and this is one of them. The action is the child's because, somehow, the child produced it. But the event is an action in part because it is possible to attribute responsibility for it, in this case not to the child but to the parents. This point holds even when responsibility and the action are attributed to the same person: the action is that person's because s/he produced it, but it is an action for reasons perhaps entirely unrelated to how it was produced.

However, my examination of the various senses of 'ascribe' did address attributions of responsibility to the person to whom the action was also ascribed. So,

³⁶ Brand, *The Nature of Human Action*, p. 19.

to answer the objection fully, one need only show that Brand's sorts of attribution of responsibility can be linked to the ascription of responsibility to the causal agent.

This objection overlooks the fact that responsibility can be both shared and deferred. Let's extend Hart's property analogy. Property can be shared: one item can belong to more than one person. More than one person can use 'This is mine' with regard to one object and properly claim proprietary rights. Consider a husband using this sentence with regard to a car that he owns with his wife. Perhaps, in this case, 'This is mine' is shorthand for 'This is ours', but such shorthand need not mislead—imagine that the husband is speaking to a new acquaintance who does not know his wife and the conversation takes place outside of the wife's presence. Using 'This is ours' (or some variation) exceeds the precision of expression called for in the situation—it is needless. Analogously, responsibility can be shared, and perhaps even deferred completely. This seems to be the case with the parent and child. The parent takes or assumes responsibility for the child; this presupposes the possibility and practice of attributing responsibility for an action to agents. Why does the parent assume responsibility? Perhaps because it is assumed that children are not competent to understand either their actions or the practices of attributing responsibility.³⁷

In cases where responsibility is shared and deferred, the person assuming responsibility can, to some extent, give it up. Imagine the parent urging the child to take responsibility for an action—to own up to shoplifting or lying, for example. Alternatively, imagine that the parent, out of desperation, washes his/her hands of the whole matter: 'I'm not taking responsibility for you anymore! You're on your own!' This provides some reason to suppose that our practices of attributing responsibility to persons other than the causal agent of an action presuppose our practices of attributing actions and responsibility to causal-agents. This objection has no force against Hart's position.

One question follows these considerations fairly directly: can two people share one action? Brand's expression of this objection suggests that responsibility can be shared—it can be ascribed equally (or unevenly) to parents for some action, and it can be distributed amongst the members of a community. Edwin Hutchins argues, in *Cognition in the Wild*,³⁸ that at least some cognitive processes (e.g., those involved in the navigation of a ship) are realized amongst us rather than inside of individual people. What about actions? Consider another example of Brand's, supposedly one which tells against ascriptivism:

... suppose that Smith gets the emperor to signal for the execution. Smith convinces the emperor that the prisoner is deserving of this punishment and that a great amount of good will result from the execution. Moreover, Smith has been reliable in the past, and the emperor has taken reasonable steps to confirm Smith's claim in this case. Smith, however, lied to the emperor. The execution is entirely unwarranted. Hence, the emperor performed the action of signaling for the execution... If someone were answerable for initiating the execution, then Smith, not the emperor, would be answerable for it.³⁹

³⁷ This objection is most persuasive when one is considering the attribution of blame. When praise is at issue, we are most likely to attribute it primarily to the child.

³⁸ Edwin Hutchins, 1995. *Cognition in the Wild*. (Cambridge, Massachusetts, 1995).

³⁹ Brand, *The Nature of Human Action*, pp. 19-20.

First, let's realize that Smith really did 'initiate' the execution: his actions were all directed to getting the emperor to do the act officially. So attributing responsibility to Smith for such an odd thing does not tell against Hart in the least. Considering who is responsible for the execution itself, it seems to me that Smith is primarily responsible for the execution, and that the emperor is partially responsible, but much less than Smith. The reason they are both responsible is that they share the action—they talked about the issue and came to a decision about it, and even though Smith was dishonest, the emperor did play some part in the decision making process. Inasmuch as we want to say that the execution is one action, both Smith and the emperor performed it. Without *either* (in a rather direct sense, quite different from that in which the absence of Smith's mother from the planet before his earth would affect the performance of the action) the action would not have taken place.

Similar considerations go for a case that J. E. Atwell raises against Feinberg's ascriptivism (more on this in Objection 3, below). Atwell asks us to consider a case of a threat—X causes some action by threatening another agent.⁴⁰ Atwell contends that the action is not X's, but the above reflections show that it can be, in an unobjectionable sense. Atwell has completely missed the possibility that actions might be shared, along with responsibility.

1.2 Objection 2: Confusing Predication and Ascription

P.T. Geach presents an important objection in his 'Ascriptivism'. Geach focuses on the matter of description and ascription: 'Ascriptivists hold that to say an action *x* was voluntary on the part of an agent *A* is not to *describe* the act *x* as caused in a certain way, but to *ascribe* it to *A*, to hold *A* responsible for it.'⁴¹ There are two problems with this characterization of the position. Firstly, Hart does not deny that action sentences have a descriptive use; he just makes the ascriptive function of such sentences primary. Second, this in no way precludes there being a causal relationship between agent and action, nor talk of such a relation. Ascriptivism, as an answer to the status question, claims only that causation is not type necessary for an event to count as an action. As we shall see, confusion about what ascriptivism involves greatly drives Geach's objection.

Geach charges this argumentation with a 'radical flaw':

What is being attempted . . . is to account for the use of a term 'P' concerning a thing as being a performance of some other nature than describing the thing. But what is regularly ignored is the distinction between calling a thing 'P' and predicating 'P' of a thing. A term 'P' may be predicated of a thing in an *if* or *then* clause, or in the clause of a disjunctive proposition, without the thing's being thereby called 'P'.⁴²

In order to ascribe an action, one must be calling some event an 'action'—this is what Geach is pointing out here. But if this is all that ascriptivists think action sentences do, then they run into a serious problem: obviously valid inferences will

⁴⁰ J.E. Atwell, 'The Accordion-Effect Thesis', *Philosophical Quarterly* 19 (1969), p. 338.

⁴¹ Geach, 'Ascription', p. 221.

⁴² Geach, 'Ascription', p. 223.

be plagued by equivocation. Myles Brand provides the following example in his discussion of Geach's objection:

(i) If Jones' firing the gun is an action, then he is guilty of murder.

(ii) Jones' firing of the gun is an action.

Ergo

(iii) He is guilty of murder.⁴³

In the first premise, being an action is merely predicated of the event; in the second premise, it is asserted of the event. In Geach's view, for the inference to go through, the predicative use of the term must be central to its use in the second premise. Since, according to ascriptivism, the predicative use is not central (according to Geach, ascriptivism implies that there is no predicative use at all), then equivocation happens between the premises with regard to the term 'action', and the argument is made invalid. Since we know the argument is valid, there must be something wrong with this account of action sentences. Geach goes on to say that the flaw lies in thinking that predication can be dealt with after other uses of terms have been accounted for. We do indeed ascribe by calling some events 'voluntary', but in so doing we also predicate 'voluntary' of something. Since predication can be done without the assertion of the property of the event, predication must be explained first, then ascription, taking into account the explanation of predication. In 'real' speech, the speaker of the argument predicates 'action' of the event in both premises. In the second, by predication, the speaker also calls the event an action. Predication is primary in both.

If we concentrate on the metaphysical interpretation of Hart's position rather than the conceptual one, then this problem is not important. However, there is something to be gained from examining Geach's objection, so we will pay it some attention.

Geach is attacking the idea that 'action' (and particular action terms) is used *only* to call things actions. But this is much too strong a view to attribute to ascriptivists. Take the first premise of Brand's argument: on Geach's view of ascriptivism, Hart could not even form this premise, since 'action' is used in a way which does not call some event an action. To be fair at all, and even to make Geach's objection work as it is presented, we have to attribute a weaker thesis to the ascriptivists. As we have already seen, Hart's explicit claim was that the ascriptive use of action sentences is their *primary* use; other uses depend on it. Taken as a semantic thesis, this entails a hierarchy of functions for action sentences. Given this, how are we to understand Brand's and Geach's accusation of equivocation? Take the first premise again: it cannot be the case that here the speaker calls the event an action, then somehow eases off the semantic pressure and only predicates action of the event. Besides sounding paradoxical, the first premise just does not call the event an action in any

⁴³ Brand, *The Nature of Human Action*, p. 20.

sense. And if we could get the declarative function into the premise in any sense, it would not be clear that equivocation had occurred.

Neither position can reasonably be attributed to Hart. To make the charge of equivocation go through, we must interpret the ascriptivist as holding that the predicative and declarative uses of 'action' are interchangeable, although in fact the declarative use occurs more frequently and can be explained independently of the predicative use in terms of ascriptions of responsibility. Geach is right—this is a poor position to hold. In fact, I suspect it is so poor that, despite Hart's explicit capitulation to Geach on this matter, ascriptivism, taken as a semantic thesis, cannot reasonably be taken to amount to this. We have to try another direction to represent ascriptivism fairly and charitably, and to assess Geach's objection against its strongest target.

On Geach's formulation, the first premise can be rephrased:

P1') If Jones' firing the gun is something we can call an action, then he is guilty of murder.

By making the 'calling' function of the term explicit, we can make the declarative use primary without actually doing any calling. To maintain parity, the second premise becomes:

P2') Jones' firing of the gun is something we can call an action.

But now the argument is valid.⁴⁴ Has something changed from Geach's version? The only possible change is in (P2')—it is naturally ambiguous. Is recognizing that we can call something an action equivalent to actually calling it one? At this point, some of the overlooked parts of Hart's position take grip. Remember that Hart has represented action sentences as *decisions*—quasi-judicial utterances made on the basis of grounds that some happening meets the rough and ready criteria of actionhood, and hence is an action. Consider a judge making either making the utterance in public, or coming to a conclusion on a matter in chambers, to the effect that 'we can call this a contract'. This would serve actually to call something a contract. Action sentences are analogous: recognizing that we can call some event an 'action' is to do so because of the decisive nature of action utterances. This declarative use of action terms is what we might call *constitutive* calling, but there is also *descriptive* calling. In constitutive calling, one decides that the matter at hand constitutes a happening of some kind. Nothing new is added or indicated by the introduction of the calling utterance to the matter. In descriptive calling, one acts like one has discovered something new about the situation at hand and is pointing out this feature with the declarative utterance. In Geach's treatment, the calling at issue is descriptive, as if calling an event an 'action' points out something new about

⁴⁴ It has been objected to me that the argument is not valid because P1' and P2' can each be true while Jones is guiltless of murder. I do not see this at all, other things being equal. There might be extraneous circumstances which get Jones off the hook despite his firing of the gun counting as an action by ascriptivist lights, but these just do not figure in the inference as it is presented.

the matter at hand, and this allows of no paraphrasing into the explicit and valid argument I have presented as a fair representation of ascriptivism. To miss the other sort of calling is to misunderstand ascriptivism.⁴⁵

Suppose that this does not suffice to answer Geach's objection. For present purposes, this does not matter. Geach's objection pertains to the original ascriptivism, taken as primarily concerned with conceptual analysis. The present reworking of ascriptivism eschews conceptual analysis for metaphysics. Instead of a thesis about the meaning of 'action', I am casting the ascriptivist insight as pertaining to the nature of certain sorts of events. Geach's concerns just do not apply to this variety of ascriptivism. Hence even if the foregoing exploration of Geach's worries fails to answer them, the present project is not affected.

1.3 Objection 3: Agents Responsible for Consequences of Actions Only

George Pitcher claims that it is incorrect to say we are responsible for our actions at all.⁴⁶ Rather, we are responsible for (amongst other things) the consequences of our actions. Hence, Hart's position is a non-starter: we never hold people responsible for actions, and that means actions cannot be those events for which we hold people responsible.

There is something peculiar here. First, we do speak of holding people responsible for their actions—there's nothing counter-intuitive or undesirably revisionary about that much of Hart's position. Second, to explore this further, consider an example. Take Brand's example from the discussion of Geach—the murder of which Jones is guilty, which involved someone's death due to shooting. Is Jones responsible for the death of his victim? Of course! After all, he did it, and this is one of the sorts of things for which we regularly hold people responsible. So far Pitcher is on solid ground—the death is the consequence of Jones' action(s). The death was brought about by shooting, so now the question is whether Jones is responsible for shooting somebody? I am inclined to think so, and I can see no principled reason to think I am incorrect. If Pitcher is to stick to his position, he has to claim that the shooting is in fact not an action proper but the result of an action. This way we can indulge our intuitions while apparently making some robust point about action individuation to the effect that not everything that seems to be an action is one. If shooting is not an action, what action is it the result of? The best answer seems to be the moving of Jones' finger. This is indeed something it seems odd (but *just* odd, not contradictory or nonsensical) to hold someone responsible for.

Is there any way of making sense of the everyday notion that we hold people responsible for their actions? Joel Feinberg famously points the way out of this

⁴⁵ Katarzyna Paprzycka provides a similar answer to Geach (*Social Anatomy of Action: Toward a Responsibility-Based Conception of Agency*, Ph.D. Dissertation: University of Pittsburgh, 1997. Available at <http://www.swps.edu.pl/Paprzycka/xDissertation.html>, p. 62). Instead of 'calling', Paprzycka emphasizes the appropriateness of ascribing responsibility. For example, Jones' firing of a gun is something for which it is appropriate to ascribe responsibility. The descriptive content needed to avoid Geach's objection applies to the propriety of responsibility ascriptions.

⁴⁶ George Pitcher, 'Hart on Action and Responsibility'. *Philosophical Review* LXIX (1960), p. 227.

conceptual confusion by pointing out that we individuate actions *by* their consequences. He calls this the 'accordion-effect'.⁴⁷ The accordion-effect has received attention⁴⁸ since Feinberg's characterization of it (he attributes the insight to J. L. Austin), but subtleties have been missed due to omission of the context in which Feinberg introduced the concept.

In considering whether Hart's account of the concept 'action' can be said to apply to action sentences not obviously attributing responsibility, Feinberg examines a variety of notions of responsibility and their attribution. Three of the five senses he examines are not moral at all but causal. These are (1) straightforward ascriptions of causality, (2) ascriptions of causal-agency, and (3) ascriptions of simple-agency.⁴⁹ The first is obvious: it is event-causality. Feinberg's example is the account given by meteorologists of today's weather:⁵⁰ one might say that a low pressure system over the Great Lakes was responsible for the precipitation experienced in communities on the shores of these lakes. The two varieties of agency are attributable only to complex causal systems.⁵¹ When we ascribe an act of 'causal complexity'⁵² to someone, we are making an ascription of causal-agency. Causally-complex acts are those which are accomplished only by doing something else as well: 'The complex act is performed by means of the performance of a series of teleologically connected 'sub-acts': one closes a door *by* pushing and latching it.'⁵³ Feinberg notes that he intends this class of actions to include only those designated by transitive verbs—e.g., 'open', 'kill'—and not such acts as walking. Feinberg emphasizes teleology as the distinguishing characteristic: in closing a door, we have to perform specific sub-tasks to accomplish our goal, but walking is not often a goal at all. Walking could easily be a sub-action in the accomplishment of some causally-complex act such as leaving the room. Not all actions, however, are causally complex; some are done without doing anything else. The standard example is bodily movement: we just move our fingers,⁵⁴ we do not have to do anything to cause our fingers to move. When we ascribe simple acts to people, we are making ascriptions of simple agency.

The accordion-effect is introduced in the discussion of causal-agency. Take the example Feinberg spends the most time on: Jones turns a key, opens a door, startles Smith, and kills Smith. The steps are linked by regular event-causality: the turning of the key caused the door to open, the opening of the door caused Smith's startling, and Smith's startling caused Smith's death. Straight-forward ascriptions of causality can be made regarding the events in the chain. What has Smith done? At the very

⁴⁷ Joel Feinberg, 'Action and Responsibility'. in Max Black, (ed.), *Philosophy in America*. (Ithaca, New York, 1964), p. 146.

⁴⁸ See Atwell, 'The Accordion-Effect Thesis'; Donald Davidson, 'Agency', In Davidson, *Essays on Actions and Events*.

⁴⁹ Feinberg, 'Action and Responsibility', pp. 144-7.

⁵⁰ Feinberg, 'Action and Responsibility', p. 144.

⁵¹ I refrain from specifying 'humans' because we might wish to attribute some sort of agency to complex non-human animals as well.

⁵² Feinberg, 'Action and Responsibility', p. 145.

⁵³ Feinberg, 'Action and Responsibility', p. 145.

⁵⁴ Feinberg, 'Action and Responsibility', p. 147.

least he has performed one set of bodily movements which kicked off this chain of events. But in everyday talk we do not restrict Smith's actions to his movements:

Because of the accordion effect we can usually replace any ascription to a person of causal responsibility by an ascription of agency or authorship. We can, if we wish, puff out an action to include an effect, and more often than not our language obliges us by providing a relatively complex action word for the purpose. Instead of saying Smith did *A* (a relatively simple act) and thereby caused *X* in *Y*, we might say something of the form 'Smith *X*-ed *Y*'; instead of 'Smith opened the door causing Jones to be startled' 'Smith startled Jones'.⁵⁵

Besides 'puffing out' our action descriptions, the accordion can also be contracted: given a description of a complex action, Feinberg thinks we can unproblematically make simple-agency ascriptions to the agent. In so doing, we identify teleologically related sub-acts that bring about the complex action.

There is, however, a problem here. Puffing out our action ascriptions is one thing, but shrinking them is quite another. It might well be the case that events that are caused by our actions are naturally given action descriptions themselves. That is, perhaps Feinberg is right about the expanding aspect of the accordion effect. However, to think that all complex action descriptions can be shrunk unproblematically into simpler ones, it would have to be necessarily the case that complex actions are composed of simpler ones, perhaps even basic ones. This idea, however, is going to turn out to be problematic; it is the topic of Chapters Six and Seven. Looking ahead, and issuing an explanatory promissory note that will not be honored until Chapter Six, let me say that any action, no matter how complex, can be itself basic, so long as it is not brought about by other actions. Whether a given complex action has been brought about via other actions is a contingent matter, and thus must be assessed empirically. By contrast, for Feinberg to be correct about the shrinking aspect of the accordion effect, it would have to be necessarily the case that complex actions are composed of more basic ones. This, however, is not true.⁵⁶

Once this point is in view, the matter of puffing out action ascriptions can also be seen in a clearer light. It is typically unproblematic to determine which of the consequences of our actions count themselves as actions and which do not. Clearly, not all consequences of our actions are naturally cast as actions simply by expanding our action ascriptions. The accordion-effect has limits. The limits, both for shrinking and for expanding, are to be determined empirically. Whether some causal contribution to or effect of an action is itself an action is a contingent matter. Feinberg's point, although useful, obscures this point, particularly with regard to the shrinking of the accordion. His point can still be accepted so long as we apply it in a descriptive fashion sensitive to the contingencies of the production of action.

Besides all of this, there is another interesting theme in Feinberg that is clearly in keeping with the general ascriptivist view of actions. When we emphasize this theme, action turns out, in part, to be a social phenomenon: which events count as

⁵⁵ Feinberg, 'Action and Responsibility', p. 146.

⁵⁶ I am not alone in thinking this way, so let me rely on the word of others as a way of having my promissory note taken seriously: Annette Baier made this point a long time ago, noting that special basicness is not implied *a priori* by the meaning of 'is composed of' ('The Search for Basic Actions', *American Philosophical Quarterly*, Vol. 8, No. 2 (April 1971), pp. 162-3).

actions depends in part on aspects of the social context in which the event takes place. The reason is that the accordion-effect applies to causally-complex acts—those actions performed via *teleologically* related sub-acts. What does the stipulation of teleology amount to? Feinberg is not clear, but it is reasonable to think it involves at least two things: teleologically related acts are causally related and they are subject to descriptions not arbitrarily related. The paradigmatic case of teleologically related actions involves conscious, intentional planning. Teleology is normally understood *forwards*, in terms of goals or purposes. In the case of action description and explanation, however, we have the whole accomplishment and are working backwards. We typically do not have access to whatever plans an agent might have had. Instead, we have to work by creating a plausible story, and we do this by identifying causal parts of the whole action which teach us something, which explain via illumination. One of Feinberg's points is that even straight-forward causal stories are exactly that: *stories*, told by people from certain perspectives and citing certain aspects of a situation instead of others due to explanatory interests. The citation of a teleologically related sub-act in the account or explanation of some wider action must be explanatorily useful. Saying that Jones killed Smith by startling him with the door is enlightening, but citing certain hand movements is not. Given this, it is not surprising to discover that the way cited sub-acts are related to more complex acts is mediated by public explanatory purposes.

J. E. Atwell has attacked the notion of the accordion-effect with counter-examples, but the criticisms miss this socio-pragmatic aspect of the concept. Consider a case in which X causes Y to promote Z.⁵⁷ Although the promotion is a causal consequence of what X has done, no one would be tempted to puff out the description of X's action to the form 'X promoted Z'. This is true, but it omits important aspects of the social framework in which promotion occurs, so it distorts the accordion-effect thesis. Promotion is not something just anyone can do: it is a function that occurs in the workplace and can be performed only by superiors on subordinates. In this story, imagine that X is Z's wife, and that she is not employed by Y. Suppose that she has influence over Y of some kind—perhaps they are old friends. Using this influence, X causes Y to promote Z. X just cannot promote Z—that function is not something she can exercise, so that description of her acts would never be appropriate. However, we can say X got Z promoted. This is a legitimate use of the accordion-effect: we cite an explanatorily interesting cause without violating the constraints of the context of the happening. The use of the accordion-effect is sensitive to the descriptions being used; mere causal relationships will not license just any puffing out. Ironically, Atwell uses this point as a criticism of Feinberg by saying that the application of the accordion-effect depends on more than causal relationships.⁵⁸ This just goes to show that Atwell missed Feinberg's point that any attribution of causality is context and interest relative, and that the accordion-effect was formulated with more than causality in mind.

John Ladd shares Pitcher's view of the attribution of responsibility. Ladd argues that when we attribute responsibility for the consequences of an action, the action

⁵⁷ Atwell, 'The Accordion-Effect Thesis', pp. 337-8.

⁵⁸ Atwell, 'The Accordion-Effect Thesis', p. 342.

itself plays a specific role.⁵⁹ The action *grounds* the attribution of responsibility. In answering the question, ‘Why is X responsible?’ or ‘Why is Jones responsible for Smith’s death?’ the answer cites the action: Jones startled Smith. The upshot of this point is that if we attach responsibility to the actions themselves, they lose this grounding function. The implication is that either we could no longer attribute responsibility, or our practice of so doing would be groundless—without reason. To Ladd, these are unacceptable ways of interpreting our practices.

Is there some third option besides having no practice or having a groundless practice? To ground the attribution of responsibility, we need something independent of that for which responsibility is attributed. Ladd presents the matter as if all there were to a single attribution of responsibility was the judge, the action, the consequence, and the agent. Amongst these items, if responsibility is attributed for the action as well as the consequence, there is nothing left to ground the judgment. But actions and attributions of responsibility take place only in social contexts. It is part of the point of ascriptivism that actions are only visible within interpretive frameworks engendered by ways of living. If we wish to attribute responsibility to actions, this complex context can serve the grounding function Ladd wishes to preserve. In answering, ‘Why is Jones responsible for Smith’s death?’, we can point to public practices of holding people responsible for certain sorts of causal links between certain sorts of events—what Jones did and what happened to Smith.

The idea that practices ground our individual activities is Wittgensteinian, and A. I. Melden explicitly draws on Wittgenstein’s work on rules in a discussion of action and responsibility. Melden argues that actions are a variety of rule-following: actions are what they are because of the way of life the agent is participating in. Agents take up ways of life as a kind of training: action is achieved as a kind of know-how. The rules that constitute ways of living are followed blindly.⁶⁰ That is, we just do them, without conjuring them up before our minds. Melden portrays our social world as a web of practices. Fundamental to this web are our moral rules:

... we have a blending of the practices we have acquired, in the activities in which we engage, where various practices are themselves affected by the general practice of observing moral rules and principles. It is this ability to carry out a complex and organized set of practices in which throughout the agent is guided without reflection by moral rules that marks the achievement of responsibility.⁶¹

By ‘the achievement of responsibility’, Melden means the agent has succeeded in, on the whole, acting responsibly. When we attribute responsibility, we make this context explicit, either to praise someone or, more often, to point out a failure. Our overall practices of attributing responsibility ground individual judgments about responsibility. Acting responsibly is a kind of ‘going on’, to use Wittgenstein’s term; making explicit the practices in which someone goes on, or fails to, serves to reinforce the habit—the way of rule-following—or to correct someone’s inability to

⁵⁹ John Ladd, ‘The Ethical Dimensions of the Concept of Action’, *Journal of Philosophy* LXII (1965), pp. 636–7.

⁶⁰ A.I. Melden, ‘Action’, *Philosophical Review* LXV (1956), p. 533.

⁶¹ Melden, ‘Action’, p. 537.

go on. Ladd's objection only has force if one thinks one can identify actions and attribute responsibility outside of the rule-governed contexts of social ways of life.

1.4 Objection 4: Action not always tied to Responsibility

The most obvious and most important objection is also the simplest: issues of responsibility just do not arise in all cases of action. Virtually all commentators make this point, regardless of sympathies.⁶²

Both Geach and Pitcher hold that Hart was misled by his choice of examples. One might be tempted to think that responsibility is essentially linked to action if you consider such sentences as 'He hit her', as Hart does, but that when other sorts of example are considered, the link is not so attractive. Pitcher offers 'He played the piano' as a neutral substitute.⁶³ Brand offers scratching one's head while alone.⁶⁴

Despite the prevalence and importance of this objection, it does not pose much of a problem to ascriptivism. In fact we have already seen the roots of an answer to it. The distinction between wide and narrow ascriptivism from the last chapter is important here. Narrow ascriptivism holds that we (very likely) cannot ascribe responsibility for morally neutral events. The wide ascriptivist disagrees—since these are within the moral domain, it is possible to ascribe responsibility for them. Instead, the only events for which it is impossible to attribute responsibility are ones that are neutral because they are outside of the moral domain, i.e., amoral. The kind of action on which Brand and Pitcher focus is *morally* neutral, not neutral due to its amorality. Narrow ascriptivism (apparently) denies that this is an action, but wide ascriptivism presents no obstacle to accepting such events as actions. If these cases pose a problem, it is for narrow ascriptivism only, not wide ascriptivism. And wide ascriptivism is the variety I have chosen as my preferred interpretation.

Recall that the wide ascriptivist is inclined to reflect on the *kind* of event with which s/he is confronted in order to determine whether responsibility could be attributed for it. Consider 'He played the piano' in this way. Imagine it said by a proud parent of a young child; here it is an attribution of credit, an utterance of praise. Conversely, imagine it said by a sleepy person about a roommate's nighttime habits; here it is condemnatory. As an uttered sentence, it would very likely have an ascriptive use as a primary function. Such sentences need not have this use, of course, but that is neither here nor there with regard to the wide ascriptivist's standard for assessing the possibility of attributing responsibility for the event.

Moreover, there are substantial considerations that support the conclusion that even the narrow ascriptivist can see such events as possible actions. Let's focus on Brand's example, scratching one's ear while alone. This poses apparent problems for narrow ascriptivism because it seems that nobody would ever be inclined to ascribe responsibility for this, yet it is counted as an action by our lay taxonomy. Two facts,

⁶² 1) Baier, 'Responsibility and Action', p. 112. 2) Brand, *The Nature of Human Action*, p. 19. 3) Myles Brand, *Intending and Acting: Toward a Naturalized Action Theory* (Cambridge, Massachusetts, 1984), p. 10. 4) Geach, 'Ascription', p. 221. 5) Pitcher, 'Hart on Action and Responsibility', p. 226.

⁶³ Pitcher, 'Hart on Action and Responsibility', p. 226.

⁶⁴ Brand, *The Nature of Human Action*, p. 19; Brand, *Intending and Acting*, p. 10.

however, soften this problem for narrow ascriptivism. First, when someone is alone, they do not shrug off their social context. When a person enters the deep forest alone for several days of isolation while camping, the social apparatus of responsibility ascriptions goes with that person.⁶⁵ Second, we routinely ascribe responsibility—both praise and blame—to ourselves for events. This combination of facts suggests that solitary events in which there is no interpersonal ascription of responsibility pose no problem even to narrow ascriptivism. The person deep in the woods might well blame him/herself for, e.g., scratching, even when no one else is or could be bothered by this particular event. The wide ascriptivist is inclined to chime in at this point and note that even if the narrow ascriptivist did not ascribe responsibility to him/herself for scratching, if they reflected on the event after the fact they would see that they could have. Again, Brand's sort of case provides no substantial problem for ascriptivism in general, and certainly not for wide ascriptivism. This kind of objection seems important only because it assumes ascriptivism must be of the narrow variety. I, however, am defending wide ascriptivism on the grounds that it is more faithful to our lay taxonomy of actions. Moreover, even narrow ascriptivism can avoid some of the obstacle that seem to be posed by this objection.

2.SPECULATIVE EXTENSION

Let me conclude the look at the objections with some speculative remarks.

1) I suggested above that the normativity of action contexts was important. This suggests another way of casting ascriptivism. Recall turning a light on—this is always a matter subject to evaluation in terms of failure and success. Perhaps this sort of normative evaluation is a precondition for the attribution of responsibility: it might not make sense to attribute responsibility to agents for events at which they could not fail. The modified ascriptivist thesis, that the possibility of ascribing responsibility for an event is type necessary for that event counting as an action, is roughly equivalent to what might be seen as a reduced thesis:

RAT1) All actions are subject to normative evaluation.

Or

RAT2) All actions occur in normative contexts.

Talk of responsibility is absent here, but these ways of casting ascriptivism do address what is necessary for attributing responsibility. Significantly, this is easily taken as a claim about action-*in-general*, whereas Hart's ascriptivism is most at home in obviously moral contexts. Some of the objections play on this matter. As I

⁶⁵ Incidentally, this also holds when people enter a different social context by, e.g., visiting a foreign culture.

have cast the issue, the modified ascriptivist thesis is about action-in-general, but it has its roots in moral contexts.

Other thinkers have drawn our attention to the essential normativity of action. Alasdair MacIntyre also emphasizes the essential normativity of action.⁶⁶ However, MacIntyre thinks that action is much more closely tied to intention than Hart does.⁶⁷ Michael Simon has developed a position similar to the one presented here. In particular, he stresses the link between action and responsibility. However, he assumes a much closer link between actions and intentions than Hart does.⁶⁸ Second, he assumes responsibility implies freedom, but Hart's argument is *prima facie* consistent with determinism. The assumptions made by Simon and MacIntyre need explicit defense, especially against the anti-intention remarks made by Hart.

Most interestingly, Carlos Moya discusses what he calls 'meaningful actions'. Some of his examples are bidding in an auction, scoring a goal in soccer, making a move in chess, and signaling for a turn as the driver of an automobile. Moya notes that, amongst other special characteristics, these actions are irreducibly normative.⁶⁹ There are two aspects to the normativity of action. First, Moya emphasizes the matter of criticism and correction:

. . . besides being able to signal for a turn while driving or to bid, one can do those things rightly or wrongly. Doing them can be right or wrong ('that was not the right time to bid'), and they can be performed rightly or wrongly ('and, besides that, your bid was stupidly high'). They can be evaluated and criticized from several points of view.⁷⁰

Second, such actions are essentially normative. They are constituted by their place in a system or pattern of behavior. This is reminiscent of Melden. None of our movements would count as goals if we did not have games. Particular movements do not count as goals if they are not performed in the course of playing a game. I cannot go to my living room, kick a ball between two chairs, and have it count as a goal in soccer. If I imagined to myself that I was playing quasi-soccer solitaire, that would be a different action—it's not soccer, but another game. My movement would then be constituted as a goal by the imaginative application of some of the normative concepts of soccer in particular and of games in general. My solitary activity would presuppose, *qua* goal, the normativity of shared practices of playing games.

Beyond normativity, Moya thinks meaningful actions essentially involve commitment.⁷¹ The only beings that can act are beings that can commit themselves to performing certain sorts of normative roles in the future. For example, the only sorts of being who can signal for a turn while driving are beings who can commit themselves to following up on the signal and to making the turn. This is consistent

⁶⁶ 1) Alisdair MacIntyre, 'Rationality and the Explanation of Action', in *Against the Self-Images of the Age*. (Notre Dame, 1978). 2) 'The Intelligibility of Action'. In J. Margolis, M. Krausz, & R.M. Burian (eds.), *Rationality, Relativism and the Human Sciences* (Dordrecht, 1986).

⁶⁷ MacIntyre, 'Rationality and the Explanation of Action', pp. 253-4; MacIntyre, 'The Intelligibility of Action', p. 65.

⁶⁸ Michael Simon, *Understanding Human Action: Social Explanation and the Vision of Social Sciences* (Albany, NY, 1982), pp. 26-8.

⁶⁹ Carlos J. Moya, *The Philosophy of Action: An Introduction*. (Cambridge, 1990), p. 40.

⁷⁰ Moya, *The Philosophy of Action*, p. 40.

⁷¹ Moya *The Philosophy of Action*, pp. 46-7.

with Hart's argument. To be able to hold a being responsible for something, that being must be capable of carrying out projects through time, since our blame or praise now must have the possibility of affecting this being in the future.

2) Let's return to the relationship between seemingly neutral action utterances or reports and the attribution of moral responsibility. Melden offers the example of one's spouse describing the actions of one's neighbour. Melden thinks such reports count as ascriptions of responsibility because of the pervasiveness of the moral context within our fabric of life. There is an easier and less theory-specific way of making the same point. Seemingly neutral descriptions of doings can be taken as shedding light on one's *character*. This is, however, a moral notion. Perhaps making explicit what one takes another's character to be is just to locate someone in the context of the web of moral practices that Melden describes. Tacitly commenting on someone's character is at least to make that person a candidate for more specific sorts of moral evaluation. And this is what I have suggested ascriptivism offers us as an insight into the nature of action.

3.CONCLUSION

I have reconstructed H. L. A. Hart's position to bring out subtleties that have been forgotten. Explicit objections have been faced and shown to fail or to require just minor adjustments to ascriptivism. With this work behind us, the modified ascriptivist thesis is offered as a worthy addition to contemporary action theory. How does it fit into the intellectual landscape of action theory?

Feinberg concludes 'Action and Responsibility' with some reflections on just what the philosophical problems about action are, and he decides that ascriptivism is of no help in addressing one of the two questions he identifies. Feinberg suggests that thinkers interested in jurisprudence and moral psychology will find Hart's comments about ascription and defeasibility of great interest and help, while thinkers interested in the metaphysical problems of action will not.⁷² I do not doubt that Feinberg is correct about the relevance of ascriptivism to social philosophy. What about metaphysical issues?

Feinberg states the metaphysical problem of action this way: '... the concern is to distinguish activity from passivity as very general conceptual categories ...'.⁷³ Contrary to Hart's method, thinkers mining this territory typically inquire about such examples as moving one's finger.⁷⁴ The full-blown actions, such as killings and door-closings, will be explained when one understands how a person can initiate bodily movement. Feinberg puts these issues in other, classical ways: 'When they ask what distinguishes a voluntary from an involuntary act they are inquiring about the difference between an *action* (said with emphasis) and a mere bodily movement, for example between a wink and a mere eye-twitch.' and '... to Wittgenstein's

⁷² Feinberg, 'Action and Responsibility', p. 157.

⁷³ Feinberg, 'Action and Responsibility', p. 157.

⁷⁴ Feinberg, 'Action and Responsibility', p. 158.

puzzling question, 'What is left over if I subtract the fact that my arm goes up from the fact that I raise my arm?' the notions of ascriptiveness and defeasibility provide no answer.'⁷⁵

I have already distanced the study of action from the metaphysical categories of activity and passivity. What about the relation of ascriptivism to the more specific questions? These questions should sound familiar: they present the status issue, and we have seen that Hart faced them directly. Aside from activity and passivity, if these questions capture the metaphysical problem of action, then ascriptivism is relevant to whatever metaphysical problems of action there are. How could Feinberg have made this mistake?

The answer lies with the formulation of the territory. Feinberg, despite distinguishing several questions, has conflated issues which ascriptivism, at least tacitly, separates. The matter of the difference between an action and a bodily movement has been addressed; on the elucidation of passivity and activity as general categories, ascriptivism is silent. That is, Hart's work serves to separate, arguably properly, status issues from production issues.

This presents an obvious question: if ascriptivism separates action from agent, is there any metaphysical question of action left? Something of the original problem remains; it still makes sense to say that agents perform actions, and the relation between mental systems and externally characterized events needs attention to make clear what such performance involves. I have suggested that the relationship between agents and actions is best seen as causal; Hart's position is consistent with this. It might turn out, interestingly, that these matters just conflate to metaphysical problems about the relation of the mental to the physical. Put it this way: since ascriptivism can reasonably be seen as a metaphysical thesis about what actions are, if there are any metaphysical problems with action, then ascriptivism is relevant to them. The metaphysical questions we have inherited, however, might profit from rephrasing which separates them from action. This might serve either to reduce the number of potentially unanswerable questions there are, as suggested above, or it might show us a way to deal with the previously intractable.

⁷⁵ Feinberg, 'Action and Responsibility', pp 158-60.

APPENDIX II

AN ALTERNATIVE READING OF HART

There is one further matter to be addressed in connection with objections to Hart's ascriptivism. I put this matter in an appendix because it is not an objection *per se*—it is put forward by someone as sympathetic to Hart's position as I am—yet it presents an apparent problem for the present position.

Katarzyna Paprzycka has put forward an interpretation of Hart's position that is different from the one put forward here. I have claimed that Hart's early paper presents an account of the status question that pivots on responsibility. Paprzycka recognizes the importance of responsibility to Hart's position, but denies that this notion can be used to provide an answer to the status question.⁷⁶ Instead, she locates Hart in a tradition of answering this question with its roots in Aristotle.⁷⁷ Take the status question as asking what differentiates actions from mere happenings. Most theorists look for positive conditions of being an action, and specify what it is to be a mere happening in terms of the absence of these conditions. However, one could work the other way around: specify conditions of some sort that constitute being a mere happening, then define action in terms of the defeat of these conditions. According to Paprzycka, we should see Hart as presenting this sort of position.⁷⁸ Specifically, she thinks that a mere happening, on Hart's view, is what happens when action-defeating conditions are met, and by extension that an action is what happens when no action-defeating conditions are met.

I think we have good reason to resist developing ascriptivism in this way. The issue is the strength of the two sorts of positions that we can derive from Hart's work. There are two problems with Paprzycka's interpretation of Hart, but which are not faced by my neo-ascriptivism:

1) Paprzycka's interpretation is tautologous. No one can consistently deny that action is what happens when action-defeating conditions are not met. Consequently, at best this position is uninteresting: since no one can deny it, it seems not to divide positions from each other. At worst, and more seriously, it is uninformative. Since it provides no positive conditions that an event must meet for it to count as action, it tells us nothing about this category of events. However, my development of Hart's position provides a positive condition of action. As such, it is neither merely tautologous nor uninformative. If correct, it tells us something substantive and very interesting about the nature of the kind, 'action'.

⁷⁶ Paprzycka, *Social Anatomy of Action*, p. 55.

⁷⁷ Paprzycka, *Social Anatomy of Action*, pp. 51-2.

⁷⁸ Paprzycka, *Social Anatomy of Action*, pp. 35-6.

Paprzycka's tautologous rendering of Hart's position does succinctly put one point that has already come up. As it stands, the tautologous version of Hart's position offers the absence of defeating conditions as both necessary and sufficient for action. This is, as we have seen, true, but uninformative. I have been arguing for an informative *necessary* condition for action, but Hart's work gives us reason to think that sufficient conditions are going to be hard to come by. Paprzycka's version of Hart provides as succinct a formulation of the sufficient conditions of action as we are likely to find, if Hart is correct: the absence of conditions that would prevent the event in question from counting as an action. This is not so much a formulation to be used in practice as a description of what purportedly does happen in practice: people count events as actions unless something interferes with this. The sorts of conditions that defeat actionhood are varied, yet people are sensitive to them and exhibit great agreement in action ascriptions. Taken this way, Paprzycka's position is an empirically minded account of sufficient conditions for action recognized by our lay taxonomy of action.

2) Paprzycka's interpretation is productionist. No argument is provided for the claim that the ascription of responsibility cannot play an important role in an answer to the status question. The assumption seems to be that reference to the production of events must somehow figure in an account of how actions differ from mere happenings. Here, actions are events that are *produced* without meeting any action-defeating conditions. We can call this 'negative productionism', to give it a place in the classification of productionisms.

Another interpretation of the assumption(s) at work in Paprzycka's interpretation of Hart is that she thinks social, anthropomorphic phenomena are not suited for a status role. Instead, we need to find something non-anthropocentric, brutally metaphysical to divide actions from mere happenings.

I am not going to argue directly against these assumptions here. We will see reason to think productionism is on less steady ground than normally assumed in Chapters Six through Nine. The second assumption will be addressed in Chapters Four and Five. For now, it suffices to reveal these assumptions. Hopefully the provision of a thoroughly ascriptivist and non-productionist answer to the status question will answer any questions about whether we should find them attractive.

CHAPTER 4

RESPONSIBILITY AND CAUSATION I: LEGAL RESPONSIBILITY

1.INTRODUCTION

The issue I will begin to examine in this chapter is whether moral responsibility requires causal criteria.⁷⁹ This topic brings my modified ascriptivism head-to-head with productionism. The ascriptivist answer to the status question is that the possibility of holding an agent responsible for an event is type necessary for that event to count as an action. By contrast, productionists argue that an event has the status of action due to something about how it was produced. The ascriptivist position has been argued for, in Chapters Two and Three, on the basis of links between responsibility, the description of an event as an action, and the relations between actions and persons. One way of formulating a productionistic response would be to show that ascriptivism is relatively superficial. For instance, if the criteria of the attribution of responsibility turned out to be themselves causal, or, better yet, if moral responsibility could be shown to have causal criteria, then a plausible case could be made that ascriptivism is just a true but superficial and hence misleading way of putting a productionistic point. For ascriptivism to be a real alternative to the prospects of a renewed productionism, it must be shown not to depend on productionistic ideas. Since responsibility is the linchpin of ascriptivism, it is the phenomenon that must be examined. Must the criteria of moral responsibility be causal? If so, then it would appear that productionists could reasonably hope to demonstrate that ascriptivism depends on productionism, and that hence a more revealing answer to the status question could be put in productionist terms. If not, then ascriptivism stands as a real alternative to productionism.

⁷⁹ Strictly speaking, for ascriptivism and productionism to be compared regarding the depth of their respective implicit or explicit criteria of responsibility, this should be an investigation into whether moral responsibility has *action-explanatory* criteria. However, the sorts of ideas marshaled in productionist theories of action explanation are generally reasonably interpreted in causal terms, so I will use this simpler term to frame the issue. Readers should keep this in mind during Chapters Four and Five.

2. TYPES OF CAUSAL CRITERIA

Before proceeding, we need a clarified view of the relevant territory. First, what exactly are we examining? What does it mean to wonder whether responsibility has or needs causal criteria? Ascriptivism turns on the possibility of ascribing responsibility to an agent for an event. This can be put more succinctly in terms of being a responsible agent. So the issue in the ensuing discussion is whether being responsible has causal criteria. Are there necessary and sufficient causal conditions that constitute one as a responsible being? More specific possibilities will, of course, be examined to assess this issue.

Second, different sorts of causal criteria correspond to different sorts of productionism. I will leave aside outcome productionism since no contemporary account of responsibility depends on this sort of idea. That leaves strong and weak productionisms. Strong productionism claims that a particular sort of mental cause is the mark of action. Beliefs and desires are prominent candidates for the appropriate sort of cause. Accordingly, for an agent to be responsible for certain conduct, it would have to have been produced by the appropriate sorts of causes. This sort of account of responsibility invokes *strong causal criteria*. By contrast, weak productionism invokes *weak causal criteria*. The weak productionist account of action cites a causal ability of an agent: an event counts as action if it is under an agent's control.⁸⁰ Causal history does not necessarily matter; the real issue is the manner of (causal) production of the event in question. On this sort of view, for an agent to be responsible, that agent must be capable of exercising the appropriate sort of control, or, more generally, of producing behavior in the appropriate manner.⁸¹

I will be operating under the assumption that weak causal criteria do not imply strong ones.⁸² Suppose that we determine that responsible agents all have a particular sort of psychological ability. This does not by itself entail that they have certain particular sorts of mental states, or that their behavior is caused by particular mental states. In principle, having a causal ability could be multiply psychologically realizable. In fact, the more sub-tasks that are lumped together under the rubric of one ability, the less likely it is that the ability will have its own strong causal criteria. I am also inclined to think that strong causal criteria for being responsible imply no particular ability. The cases for these two potential accounts of responsibility do not stand or fall with each other; they must be made on their own merits. Of course, it could turn out that, e.g., a certain ability that is weakly criterial of being responsible is in fact realized by particular mental states that amount to strong causal criteria of responsibility. Such a case would have to be demonstrated independently of showing that the ability is weakly causally criterial of responsibility.

⁸⁰ Frankfurt excepted—he specifies a counterfactual condition, not a causal capacity. See Chapter Nine for discussion of Frankfurt.

⁸¹ See Chapter Nine for Fischer's position, which is explicitly about responsibility and only adapted here to apply to action.

⁸² This assumption is implicit in the examination of weak productionism, the strength of which I take to be independent of the prospects for strong productionism. See Chapter Nine for discussion.

Anticipating a little bit: in Chapter Nine, the respective varieties of productionism are characterized as individualistic, in the sense that such theories of action are developed in terms of the properties of individual people in abstraction from the contexts in which individuals find themselves. By contrast, neo-ascriptivism is anti-individualistic, in that it allows context a role in answers to the status question. Consequently, let me specify that the causal conditions that are being considered as possible criteria of responsibility are to be individualistically construed. In the terms of this investigation, this means that they are attributable to individual persons. Perhaps this also means that they must be individuated in terms of the intrinsic properties of persons. Consequently, the strong causal criteria that strong productionism entails are individualistically construed particular mental states that can be the origin of particular actions. Correspondingly, the weak causal criteria appealed to by weak productionism are individualistically construed causal capacities or abilities of agents. The specific sorts of candidates for giving flesh to these abstract ideas will emerge in the discussion of various aspects of the issue of the criteria for being responsible. Under both of these interpretations, being responsible consists in some sort of individualistically construed causal power of an agent.

By contrast, a non-individualist account of being responsible might cast it as, to coin a term of art, consisting in a contextually individuated *competence*. I shall reserve 'ability' and 'capacity' for individualistically ascribable causal powers, and I shall generally use 'competence' for the externalist explication of being responsible. When I use 'competence' in its more familiar sense, the context will make this clear. These are stipulations intended merely to clarify the discussion. I use 'competence' to suggest that a responsible agent lives up to standards that are somehow external to him/her. On this sort of view, instead of an intrinsic feature of an agent, to be responsible is to fill a social role or to assume a social status which is individuated by the context of the agent. Although individual persons fill these roles, strictly speaking the roles are part of the context in which individuals find themselves. Hence the roles are, in some sense, attributable not to individuals but to contexts of individuals. Again, specific possibilities for explicating the notion of a contextually individuated competence will emerge as we examine legal and moral responsibility.

Using the above terms: all theorists will agree that being responsible consists, in the first place, of having a social status of some sort. Such a status is a contextually individuated competence. The question is whether this sort of status is central to being responsible, or whether it instead has a more central individualistic characterization in terms of particular sorts of mental state or ability. If a more fundamental causal characterization of the social competence can be devised, then we have good reason to think that responsibility has causal criteria.

It is interesting, and of some significance, that the distinction between strong and weak causal criteria of being responsible corresponds to a distinction that has arisen in discussions of free will. Free will has been treated as of great importance to thought about responsibility. We can reasonably assume that the issue of free will and responsibility overlaps the issue of whether responsibility has causal criteria. A.M. Honoré distinguished between 'particular' and 'general' uses of the word

‘can’.⁸³ Daniel Dennett uses Honoré’s distinction explicitly in his account of free will. Can_{particular} is used only for single, individual performances. It is essentially the same as the verb ‘will’, and in the past tense is appropriate only for discussions of success.⁸⁴ Can_{general} is used to describe the abilities of agents. When a person fails to succeed at some task at which s/he normally succeeds, and when we have reason to think that this person’s abilities are intact, we are entitled to say that s/he can_{general} do this sort of thing, but that there was no way s/he could_{particular} have succeeded at the particular instance in which s/he failed. Applied to moral responsibility: many think that, to be responsible for something, one must have been able to do otherwise than one did. The thesis of determinism seems to call this into question: if the course of present and future events is exhaustively determined by past ones, then one could never do otherwise than what one actually does. Harry Frankfurt has devised examples that call the ‘could-have-done-otherwise’ principle into question. Indeed, we have already seen this issue arise in the discussion of Fischer’s position. Suppose that, unbeknownst to you, a neuro-scientist has implanted a chip in your brain. This chip has only one function. When it is time for you to vote in the next election, if you show any inclination to vote for *X*, the chip will activate and ensure that you vote for *Y*. As it happens, you never show such inclination, and you vote for *Y*. The chip never operates. It seems that you can rightly be held responsible for your conduct, yet you could not have done otherwise. The distinction between particular and general senses of ‘can’ offers an explanation why this should be the case. What matters is not what did not happen—whether you could, in a counterfactual situation, have done otherwise—but your abilities and the manner in which they were exercised in this particular case. The intuitions grounding the could-have-done-otherwise principle should be explicated in terms of our abilities; this opens a promising avenue for reconciling determinism and responsibility, explored by Dennett, Fischer, Ravizza, and others.

The two connotations of ‘can’ bring up another aspect of the criteria of responsibility suggested by the various productionisms. One hallmark of productionism is that it holds, in all its varieties, that the inner is criterial of the public. Somehow, the psychological processes responsible for producing an event—that is, the inner aspect of the event in question—are criterial of the public status of that event as an action. However, there are differences in the kind of innerness deployed by strong and weak productionism. Assessing someone’s abilities seems to be a simpler matter than assessing the particular thoughts that preceded a particular course of behavior. Abilities seem to be more evident to a third-person perspective than particular thoughts. Since both thoughts and abilities are, at least to some degree, psychological properties/states of persons, there is some sense in which they are both ‘inner’. Nevertheless, thoughts are paradigmatically private, whereas abilities are not. Put in terms of the distinctions at work: strong causal criteria use a strong sense of the innerness of psychological properties/states that implies privacy. Strong productionists hold that the strongly inner is criterial of public actions and the public status of being apt to be held responsible. By contrast, weak causal criteria

⁸³ A.M. Honoré, ‘Can and Can’t’. *Mind*, Vol 73, # 292 (Oct. 1964), pp. 463-79.

⁸⁴ Daniel Dennett, *Elbow Room* (Cambridge, Massachusetts, 1984), p. 147.

are more weakly inner. They are not necessarily private. Weak productionists hold that only these weakly inner psychological attributes of persons are criterial of public actions and being an apt candidate for responsibility.

We will return, briefly, to issues related to free will and responsibility in the next chapter. At this early stage, things already look bad for strong productionism. Can_{general}, not can_{particular}, seems to be the front-runner in linking causation and responsibility. Such an account would deliver weak causal criteria for responsibility, but not strong ones. Nevertheless, further examination must take place before reliable conclusions can be drawn. To do this, I am going to take an intermediate step before turning to moral responsibility. I am going, briefly, to examine law and attributions of legal responsibility. One reason for doing this is that moral responsibility is a big, important topic on which there exists a voluminous, detailed, contested literature. Legal responsibility gets less attention. However, there are good reasons to use legal responsibility as a stepping stone in this examination of responsibility and causation:

- a) The law is related to morality.
- b) The law is centrally concerned with responsibility.

Given (a) and (b), we have some reason to think that legal responsibility is not entirely different from moral responsibility, that the notions overlap. H.L.A. Hart & A.M. Honoré,⁸⁵ and A. R. White,⁸⁶ for example, operate under the assumption that at least some legal notions are essentially the same as non-legal notions. So, examining whether legal responsibility has causal criteria is probably not altogether different from asking the same question of moral responsibility. Moreover,

- c) The law is explicitly rule-structured.
- d) The law has formal resources for assessing claims about responsibility, causality, and psychology.

(c) and (d) express differences between morality and the law. In merely moral investigations, we have no such explicit rules, although we often try to formulate ones. Nor do typical merely moral investigations have access to formal resources. We have much less explicit guidance when trying to assess criteria of moral responsibility. This should make the law, and the ways it attributes responsibility, easier to study than morality. Moreover, causation and psychology can be subtle matters, difficult to assess. Given the law's explicit rules and resources, it should have an easier time performing such assessments than laypeople making moral judgments.

Examining the law constitutes just a first step in the present examination of moral responsibility; it cannot be the final word. So, if legal responsibility requires or has causal criteria (either weak or strong), then we have *extra prima facie* reason to suspect the same of morality. However, and crucially, if legal responsibility does

⁸⁵ H.L.A. Hart & Tony Honoré, *Causation in the Law*, 2nd Edition (Oxford, 1985).

⁸⁶ Alan R. White, *Grounds of Liability: An Introduction to the Philosophy of Law* (Oxford, 1985).

not have causal criteria, then, given the structure and resources of the law, it is *far* less likely that morality will turn out to have or require causal criteria. I claim this because it is intuitive to think that responsibility does have causal criteria. However, if the law cannot do the work necessary to assess the psychological and causal matters that would be relevant to responsibility, and hence if legal responsibility does not have causal criteria, then we should suspect that, in domains where these assessments are even harder to perform, it is less likely that we will find causal criteria. Moreover, strong productionism implies that responsibility has strongly causal criteria *alone*. Weak productionism implies that responsibility has just weak causal criteria. For the law to offer strong support for either of these positions, legal responsibility must have solely causal criteria. Hence, if the law admits causal criteria for some aspects of legal responsibility but recognizes non-causal criteria for some aspects of legal responsibility, then the law does not strongly support productionism about responsibility.

The final word, of course, rests with the examination of moral responsibility itself. We will turn to this after the law.

3.LEGAL RESPONSIBILITY

The natural place to begin when reflecting on legal responsibility is with specifically criminal responsibility. The reason is that this most important form of legal responsibility has received a great deal of attention, both inside and outside of courtrooms. In particular, the matter of assessing the psychological element necessary for attributions of legal responsibility has been of special interest. I will begin with philosophical reflections about criminal responsibility. Once I have considered jurisprudence on this matter, I will turn to some Canadian cases that have centrally addressed mentality and legal responsibility.

3.1 *Legal Responsibility I: Jurisprudence and Mens Rea*

There is a slogan that formulates the starting point for thought about criminal responsibility: *actus non facit reum nisi mens sit rea*. ‘An act does not make a person guilty unless his mind is also guilty.’⁸⁷ *Mens rea*, the mental element in crime, is often understood in terms of intent: e.g., on at least some accounts of murder, a killing must be intended to count as murder. Non-intentional killing can be some other sort of crime, but not murder. And, as we have seen, one common way of understanding what it means to intend something is to think that a mental state—an intention—causes the activity in question. On this understanding, it is reasonable to think that the law invokes a strongly causal criterion for criminal responsibility. Determining whether some act was intentional, and hence whether a given agent was criminally responsible for it, would require determining the particular thoughts that were the intention that caused that act.

⁸⁷ R.A. Duff, *Intention, Agency, and Criminal Liability: Philosophy of Action and the Criminal Law* (Oxford, 1990), p. 7.

Of course, matters are not so straightforward. The law has traditionally taken a very familiar position on mentality.⁸⁸ On this view, mental states are, in some sense that need not be specified for present purposes, private, i.e., they are not directly accessible or observable from a third-person perspective. This creates the familiar philosophical problem of other minds. If mental states are private, then our knowledge of other people's minds—indeed, our confidence that others have minds at all—is hard to explain. This seeming fact about mentality can generate a philosophical skepticism that, generally, causes no practical problems. However, in legal contexts it is of practical importance. The reason is the law's high standards of proof for ascriptions of criminal responsibility. If we are going to convict someone of a very serious crime, such conviction being accompanied by grave repercussions, then we had better be sure that this person really is responsible for the act in question. Ideally, it is desirable to have irreproachable proof of everything required for such a conviction. Criminal responsibility requires *mens rea*. So, ideally we would like to be able to prove the mental element in crime. However, given the apparent privacy of mental states, this is out of reach. If we do not have direct access to others' mental states, then conclusions about an agent's thought when committing an act that could be a crime are contingent inferences from the relatively certain to the relatively less certain. No matter how solid such inferences are, they will always fall short of the ideal of proof. Since real situations are complex, the degree of confidence we are entitled to have about such judgments of intention will vary from case to case. Sometimes we will be quite confident, but it will not be uncommon to be less than certain of such judgments about mentality.⁸⁹

Given this combination of practical uncertainty and practical pressure to aspire to proof, legal theorists and the courts have sought ways around the apparent privacy of mentality. I will turn to cases in the next section; legal theory is our present topic. One possibility is to give up on the privacy of the mental, to deny that mentality really is private in the way commonly supposed. R.A. Duff proposes this solution. His case has two aspects. The critical aspect concerns a purported implication of the acceptance of the familiar view that accepts the privacy of mental states. If this is so, then, according to Duff, we are no longer entitled to think that we observe people acting.⁹⁰ If we think that mental states must be inferred from behavior, then we

⁸⁸ Duff (*Intention, Agency, and Criminal Liability*, pp. 28-9) characterizes the legal position on mentality as 'dualist'. This strikes me as misleading. 'Dualism' is most usefully reserved for the characterization of ontological positions. The law's position is not primarily ontological, but epistemological. It is knowledge of the mental that is the legal issue, not the ontological category of psychological properties/states/substances. It might be that ontological dualism implies the sort of epistemological issue with which the law deals. However, the converse need not hold: the epistemological issues associated with assessing the mental states of others need not imply a particular ontological position. Surely non-dualist materialists have to deal with the privacy of mental states in some sense. Duff later differentiates ontological from epistemological dualism (*Intention, Agency, and Criminal Liability*, p. 118), but my point remains. Hence, while admitting many of the issues discussed by Duff, I will not refer to the law's position on mentality as dualist.

⁸⁹ See H.L.A. Hart, 'Legal Responsibility and Excuses', In Sidney Hook, (ed.). *Determinism and Freedom In the Age of Modern Science* (New York, 1961), p. 99, for some practical problems that arise in assessing *mens rea*.

⁹⁰ Duff, *Intention, Agency, and Criminal Liability*, pp. 123-6.

cannot legitimately characterize the activity of others as actions. Instead, we should describe such activity as 'colourless bodily movements'.⁹¹ Duff takes this to be a *prima facie reductio ad absurdum* of the familiar view. Instead, he thinks we legitimately characterize the activity of others as actions. Given this, and its purported incompatibility with the accepted view of mentality, it seems that we can conclude that there is something wrong with our commitment to the privacy of the mental.

The other aspect of Duff's case is more positive. Duff thinks that the familiar view of action, as involving more than movement, is correct.⁹² If we give up on the idea that the extra element is hidden, this leaves the theoretical possibility that the mental aspect of action is manifest in the action itself. As Duff puts it, we see, e.g., intention in action.⁹³ To admit that actions are unproblematically observable is to be committed to the observability, in some sense, of the relevant mental states as well.

As it stands, this position is ambiguous. Duff intends it as a redefinition of our understanding of mentality. As such, it retains elements of the familiar view. One such element is the commitment to a subjective element in crime. Duff does not mean to eliminate the idea that, in assessing *mens rea*, we are at least partly trying to understand how the accused saw his/her conduct. However, Duff claims that, 'To discern an agent's intentions is to grasp the relation between her action and its context (including what else she does) . . .'.⁹⁴ Instead of clearly referring to something mental, this reliance on context seems to introduce something paradigmatically public as a possible criterion of *mens rea*. This idea will be examined in due course. For the time being, I will examine the clearly subjectivist interpretation of Duff's proposal.

Duff's position is subtly productionist. The inference from the observability of actions to the observability of mental states is warranted only if action *must* have this sort of element. We have seen grounds to be suspicious of this position. Given our present purposes, this problem is particularly serious. The purpose of this chapter is to assess whether responsibility has causal criteria. If it does, then the path is newly cleared for a productionist answer to the status question. That is, I am examining criteria for legal responsibility to determine whether support can be found in this territory for productionism. But Duff's position on mentality on action *relies on* productionist ideas. As such, it cannot constitute independent support for them. This sort of account of the mark of action still stands in need of compelling independent demonstration.

Duff's strategy seems to be a particular instantiation of an answer to the problem of other minds offered by Jonathan Dancy, in the spirit of Wittgenstein. Dancy thinks that even to understand what it is for others to have minds, there must be a ' . . . non-contingent link between mental state and behavior . . .'.⁹⁵ However, this interpretation of Duff's position provides no support for someone trying to provide

⁹¹ Duff, *Intention, Agency, and Criminal Liability*, p. 126.

⁹² Duff, *Intention, Agency, and Criminal Liability*, p. 129.

⁹³ Duff, *Intention, Agency, and Criminal Liability*, p. 130.

⁹⁴ Duff, *Intention, Agency, and Criminal Liability*, p. 131.

⁹⁵ Jonathan Dancy, *Introduction to Contemporary Epistemology* (Oxford, 1985), p. 73.

causal criteria for legal responsibility. If the link between mind and behavior is non-contingent, then it is non-causal as well.

Duff's strategy ignores important facts about the psychology of a wide range of important offenses. The strategy is most promising for cases where there is a close correlation in general between the act in question and a particular kind of thinking. However, offenses can deviate from this ideal in at least two ways:

1. In an examination of capital punishment and homicide, Ezzat Fattah notes that, '[o]nly a small percentage of all criminal homicides are truly thought out and premeditated.'⁹⁶ The rest are performed in a wide variety of states of mind. Important varieties include impulsive acts, action under the influence of drugs or alcohol, and pathological states of mind. None of these are good candidates for the strategy of redefining the mental such that we can expect to see intention in action.
2. Other offenses occur while the eventual accused is performing habitually. There is a sense in which our mentality is evident in habitual action: we clearly show our psychological competence at the action in question by performing it. But in another important sense, habitual action masks our thinking. The matter of driving offenses is examined below. Driving is habitual action. We all know that we think of a wide variety of things while driving. The action is no guide at all to the vast majority of our occurrent thoughts. Duff's strategy of hoping to see the mental in action is poorly suited to offenses involving habit.

Another possibility that legal theorists have explored is the development of *objective* standards for *mens rea*. This is the idea suggested by Duff's reliance on context in his attempted redefinition of the mental. For example, instead of construing the judicial task of assessing *mens rea* as being to probe the hidden depths of the accused's mind, the objectivist casts it as being to see whether the accused's conduct lives up to publicly accessible standards of, e.g., intention. The details of such standards need not occupy us here. They can include, as an example, ideas about what a reasonable person would do or foresee or be responsible for under normal conditions or in like circumstances. As Duff puts it, for the objectivist, such facts about reasonable people are not evidential of the accused's *mens rea*, but criterial.⁹⁷

Under an objectivist understanding of the mental criterion for criminal responsibility, the way for the accused to defend him/herself is to show that the objective conditions of *mens rea* are not met in the case at hand. Since these conditions are objective, the facts marshaled in such a defense would also be objective. Possible defenses include demonstration of mental illness/defect or of ways in which the non-mental aspects of the case deviated from normal in crucial ways.

⁹⁶ Ezzat A. Fattah, 'Is Capital Punishment a Unique Deterrent?', in Wesley Cragg & Christine M. Koggel (eds.), *Contemporary Moral Issues, 4th Edition* (Toronto, 1997), p. 141.

⁹⁷ Duff, *Intention, Agency, and Criminal Liability*, p. 151.

Under a legal objectivist account of *mens rea*, what sort of mental states are we entitled to attribute to the accused? To suggest that showing that the accused's situation is relevantly similar to the position of a reasonable person in a like situation demonstrates the accused's occurrent mental states at that particular time is unreasonable. Besides reasons we have already seen, the thing to notice in the present case is the content of the standard of judgment. It is not that normal people in like circumstances are thinking certain sorts of thoughts. It is rather that normal people in like sorts of circumstances have certain sorts of abilities. On this basis, the appropriate conclusion is that the accused can be reasonably judged to share these abilities. This is one way of taking A.R. White's contention that we should understand intention as a 'dispositional quality'.⁹⁸

Yet another possibility for getting around the practical problems raised by assessing *mens rea* under the traditional understanding of mentality is presented by H.L.A. Hart. Hart's position is also a variety of the objectivist position. Instead of taking the requirement of a mental element in crime as calling for the proof of something positive about the accused, Hart suggests that we instead interpret *mens rea* negatively. According to Hart, the mental conditions for criminal responsibility,

... can best be expressed in negative form as *excusing* conditions: the individual is not liable to punishment if at the time of his doing what would otherwise be a punishable act he is, say, unconscious, mistaken about physical consequences of his bodily movements or the nature or qualities of the thing or persons affected by them, or, in some cases, if he is subjected to threats or other gross forms of coercion or is the victim of certain types of mental disease. ... If an individual breaks the law when none of the excusing conditions are present, he is ordinarily said to have acted of 'his own free will,' 'of his own accord,' 'voluntarily' ...⁹⁹

Even though this sort of position recognizes the need for a mental criterion of legal responsibility, it refrains from specifying anything positive about the mentality of the accused who turns out to be liable. Instead, it puts the onus on the defense to show that some special condition defeats the normal situation, which is taken to be one in which the accused at least should be mentally in control of his/her action in a particular way. An even more radical way of taking this suggestion would be to omit the reference to a mental element in crime altogether: an agent is legally responsible for some event so long as certain excusing conditions are not met. I am inclined to think that this step requires extra argumentation that would take us too far from the present topic. Nevertheless, with this sort of idea, the notion of the mental element in crime has changed a great deal from the point at which we started.

So much for jurisprudence; on to cases.

3.2 Legal Responsibility II: Cases

Since the courts have largely embraced the idea that mental states are, in some sense, private, one would expect that particular decisions have wrestled with the

⁹⁸ White, *Grounds of Liability*, pp. 66-7.

⁹⁹ Hart, 'Legal Responsibility and Excuses', p. 95. See Martin, *The Legal Philosophy of H.L.A. Hart*, pp. 156-174 for critical discussion.

problem of the combination of lack of direct access to the mental states of the accused and the need to demonstrate *mens rea* to attribute criminal responsibility. This is indeed the case. Several strategies for dealing with this have been developed. As one might expect, the most common is just to live with the problem: give up on the ideal of proof and settle for provisional judgments. Duff cites several examples of this line of thought as representative of the judicial approach on mentality and how to assess it.¹⁰⁰ Duff criticizes such acquiescence, but I am inclined to think this is a sensible and feasible stance for many cases. Its practical history provides sufficient vindication. Since courts have been successfully working with both this received view of mentality and the traditional view of *mens rea* for hundreds of years, mostly successfully, then the appropriate assessment should be that there is not much of a problem in practice. The sort of skepticism about other minds that vexes philosophy students finds little purchase in this sort of practical context.

Insofar as the courts have discerned some need to wrestle with the privacy of the mental, the adoption of an objectivist position has been one of the most important alternative strategies. For example, in *Hundal v. The Queen*, the Supreme Court of Canada prescribed that *mens rea* in cases concerning dangerous driving be assessed objectively.¹⁰¹ This sort of offense is particularly amenable to objective standards of mentality because the activity is a routine one, and because officially recognized practitioners are licensed.¹⁰² The fact that driving is performed routinely means that it is unreasonable to hope to find particular occurrent mental states relevant to the performance of the activity. People think about all sorts of things when they drive, but they rarely think about the activity of driving itself. The fact that officially recognized drivers are licensed means that their abilities have been demonstrated in a fairly systematic fashion to be of a certain satisfactory level. In practice this means that, for a licensed driver under normal circumstances, the courts have very good reason to think that the conditions of, e.g., knowledge of occurrences and consequences and intention to produce and handle such happenings have been met.

Hundal introduces a wrinkle to thought about *mens rea* that we have not yet addressed. Speaking for the Supreme Court, Justice Cory remarks, 'The question to be answered under the objective test concerns what the accused 'should' have known.'¹⁰³ This idea introduces a normative aspect to objective notions of *mens rea*. So far we have been considering the objectivist position as proposing objective criteria for assessment of mental causes. To introduce normative elements into consideration of the mental element in crime is in effect to recognize non-causal aspects of *mens rea*. Once normative factors are admitted into official ways of handling the assessment of the accused's mentality, the investigation changes from one of using some sort of criteria to attribute mental causes or competencies to the

¹⁰⁰ Duff, *Intention, Agency, and Criminal Liability*, pp. 28-9.

¹⁰¹ Jerome Bickenbach (ed.), *Canadian Cases in the Philosophy of Law*, 3rd Edition (Peterborough, Ontario, 1998), p. 224.

¹⁰² Bickenbach, *Canadian Cases in the Philosophy of Law*, pp. 221-2.

¹⁰³ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 221.

accused to one of placing the accused in a context of, e.g., standards of reasonable conduct and deciding whether the accused met or deviated from those standards.¹⁰⁴

As an example, take the Supreme Court of Canada's position on the defense of necessity, as developed in *Perka v. Regina*. The case before the courts involved the importing of *cannabis* into Canada, which is a criminal offense. The smugglers in question were traveling, with a boatload of marijuana, from international waters off the coast of Colombia to international waters off the coast of Alaska. Canada was never their intended destination or market. While off the West Coast of Canada, the smugglers encountered both mechanical problems and dangerously inclement weather. For the safety of both ship and crew, the boat was brought ashore in British Columbia. Fearing capsizing, the cargo was unloaded. The smugglers were arrested with their cargo in Canada shortly thereafter. They used the defense of necessity; eventually the Supreme Court of Canada recognized this defense and called for a retrial.¹⁰⁵

The defense of necessity is controversial. The Supreme Court recognized it as an excuse, but not a justification.¹⁰⁶ Treating the defense this way, the court could preserve official disapproval of the act performed by the accused, yet recognize that the circumstances were such that the act was excusable. In *Perka*, the court decided that, as in other uses of this defense, the claim of necessity pertained to the voluntariness of the crime. That is, the defense applied directly to the matter of assessing *mens rea*. In one sense, what the smugglers did was under their control. As such, it was, somehow, voluntary. Let us call this strict sense of voluntariness the 'metaphysical' sense. But, in another sense, the decision to bring *cannabis* ashore in Canada was not voluntary, but forced. Experts characterized this decision as 'expedient and prudent' and 'essential'.¹⁰⁷ Commenting on the situation of a person who breaks the law out of fear for his life, the court noted, 'He has control over his actions to the extent of being physically capable of abstaining from the act. Realistically, however, his act is not a 'voluntary' one. His 'choice' to break the law is no true choice at all; it is remorselessly compelled by normal human instincts. This sort of involuntariness is often described as 'moral or normative involuntariness' . . .'.¹⁰⁸ In *Perka*, the smugglers acted metaphysically voluntarily, but normatively involuntarily, and the court decided that the normative involuntariness sufficed to show that the condition of *mens rea* was not adequately met to hold the smugglers criminally responsible for their actions. This is clearly the substitution of non-causal criteria of voluntariness for causal ones for the purposes of attributing criminal responsibility.

Another result of the courts' work on *mens rea* has been a broadening of kinds of offenses, along with different standards of demonstration of the mental element in

¹⁰⁴ Duff recognizes and discusses normative aspects of judgments of intention in the law: *Intention, Agency, and Criminal Liability*, pp. 86-7.

¹⁰⁵ Bickenbach, *Canadian Cases in the Philosophy of Law*, pp. 230-231, 238.

¹⁰⁶ By contrast, Jerome Bickenbach argues that we should understand it as a justification ('The Defence of Necessity'. *Canadian Journal of Philosophy*, 13 (1983), p. 87).

¹⁰⁷ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 231.

¹⁰⁸ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 234.

the crimes. Both the Canadian legal system and those of other countries typically recognize the following two types of offenses: a) fully criminal offenses, which require that *mens rea* be proven somehow, and b) offenses of absolute liability, which do not require the demonstration of any mental element at all; their performance under any conditions suffices for legal liability. Canada, however, recognizes a third type of offense: public welfare offenses, such as acts involving pollution. In *R. v. City of Sault Ste. Marie*, the Supreme Court of Canada broadened Canada's legal system from the common two sorts of offenses to recognize this distinct third category. The Supreme Court deemed these to be offenses of 'strict' liability.¹⁰⁹ Public welfare offenses resemble offenses of absolute liability in that *mens rea* does not have to be shown to impute the offense. However, unlike cases of absolute liability and more like cases of the more familiar criminal responsibility, the accused can, ' . . . avoid liability by proving he took all reasonable care.'¹¹⁰ Showing this requires demonstration that the accused was operating under false beliefs, or that the accused took all reasonable steps to avoid the problematic event in question. The court, in assessing these matters, must consider, ' . . . what a reasonable man would have done in the circumstances.'¹¹¹ This standard is reasonably taken as both objective and as having normative aspects. The accused has to show, objectively, that s/he was operating under the guidance of an honest mistake, or that s/he did what others do in similar circumstances. Where no actual actions of others are available for comparison, the court is permitted to consider what the accused *should* have done by reference to thoughts about how reasonable people should act in such circumstances. This is a normative matter. In short, even in cases not involving full criminal responsibility, objective and normative interpretations of the mental element in crime are used in Canadian courts.

4. REFLECTION ON THE LAW

It should be clear that strong productionism, which implies strong causal criteria for responsibility, finds little support in the law. Although they make do with provisional judgments about particular thoughts, both the courts and legal theorists have misgivings about this understanding of the mental element in crime. Alternative interpretations of *mens rea* run the gamut from calling for assessments of abilities rather than occurrent thoughts to objectivist interpretations of mentality to the introduction of normative notions to replace causal ones.

Weak productionism fares better, but still finds little support in the law. More room is recognized for judgments of capacities than of particular occurrent thoughts, but the law also recognizes interpretations of *mens rea* that deviate even from this causal understanding. Insofar as objectivist positions provide metaphysical criteria for assessing mentality, weak productionism finds some support. But insofar as there

¹⁰⁹ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 216.

¹¹⁰ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 216. Note that this recalls Hart's suggestion about how to understand all aspects of *mens rea*, but just for a limited array of offenses.

¹¹¹ Bickenbach, *Canadian Cases in the Philosophy of Law*, p. 216.

are normative elements to objectivist standards of mentality, weak causal criteria for legal responsibility are displaced by non-causal ones.

However, the objectivist interpretations of mentality used for several varieties of legal responsibility provide grounds for a deeper and more subtle erosion of the *prima facie* attraction of productionism. Both strong and weak productionism claim that something inner and private is criterial of something public. They differ on exactly what sorts of private psychological states are required for action and responsibility, but they share this deep commitment. Strong productionism is committed to quite a strong sort or privacy of the mental. Weak productionism, however, is committed to a much weaker sense of privacy. For some abilities, it might not make sense to describe them as having a private aspect at all. However, the use of objectivist standards of *mens rea* uses something public as criterial for those very inner events/states deployed in a criterial role by strong and weak productionism. At best, this complicates the status of productionism. If the inner can be criterial of the public, but the public can also be criterial of the inner, then what reason have we to think that the inner is the deepest sort of criterion to which one can appeal in accounting for a given phenomenon? At worst, objectivism in the law provides grounds eliminating the productionist step altogether. If the public is criterial of inner events which are purportedly criterial of other public events, why not skip the middle step and make the first public facts criterial of the second ones? This is the radical interpretation of Hart's suggestion that we should understand *mens rea* negatively, in terms of the absence of certain excuses.

No matter how you look at it, the productionist faces a stiff task of explaining why psychological events must be criterial of being morally responsible when the law clearly takes a different position on legal responsibility. Strong productionism faces a much stiffer task than weak productionism. The reason for this is that weak productionism has already moved from strongly private criteria of the public to more public criteria. Nevertheless, even weak productionist accounts of action and responsibility will tend to be committed to criteria of public events that are in some sense private. Our look at the law challenges even this degree of commitment.

Crucially, our overall picture of the law should be that various positions on the mental element in crime are recognized. This is what we should expect from a complex social institution with a long history of being forced to wrestle explicitly with the difficulties of this sort of investigation. Laypeople generally have the luxury of being able to avoid such nuanced frustrations. Consequently, we should expect our lay view to under-estimate these difficulties. Insofar as we are being empirically-minded, the plurality of approaches to *mens rea* found in the law is to be admitted and followed as data. This means that neither weak nor strong productionism finds strong support here. To provide strong support, the law would have to use only causal criteria for criminal responsibility, preferably of either the strong or weak variety, but not both. The fact of the matter is far different from this.

Insofar as the law is explicitly rule-structured and has extra resources for assessing such causal and psychological matters, we should think it more likely for legal responsibility to have uniquely causal criteria than moral responsibility. Given that legal responsibility clearly does not have uniquely causal criteria, we have extra reason to expect that the same will turn out to be the case for moral responsibility.

The final word on this matter, of course, rests with a direct examination of moral responsibility. It is to this task that I now turn.

CHAPTER 5

RESPONSIBILITY AND CAUSATION II: MORAL RESPONSIBILITY

H.A. Prichard and P.F. Strawson have presented powerful arguments that moral judgments, centrally including attributions of moral responsibility, stand in no need of external criteria, including causal ones. These arguments are well known, yet their full force has been neglected. In this chapter I will present their positions, then defend them against contemporary causalist accounts of moral responsibility. In so doing I hope to show the force of these positions against the assumptions about the nature of responsibility might be thought to favour productionism over ascriptivism.

The arguments of Prichard and Strawson amount to a persuasive case that morality is an autonomous domain. Before turning to their arguments, some attention to autonomy in general is warranted, and some definitions are needed for this. First, I shall speak most generally of a *domain of judgment*. In the rough sense intended here, morality is a domain of judgment. So are lots of familiar types of activity and experience: e.g., humour, cooking, chemistry, baseball . . . the list could be extended to great length. For present purposes, a domain of judgment is a set of experiences or ideas pragmatically delineated and unified by both the content/objects of these experiences and our discursive practices regarding these experiences or ideas. Such practices must include critical reflection about the contents of the domain in question: this is central to the judgmental aspect of these domains. The domains of morality and humour are distinct domains of judgment: they have at least partly different objects, and where their objects overlap, the judgments characteristic of these experiences address them in different ways. For example, consider a joke containing racially sensitive terminology. From within the domain of humour, one can ask whether this joke is really funny. The same joke can be part of the domain of morality, but now the issue is, e.g., whether it is appropriate to tell, or fair to the people it represents, or hurtful. These issues can be relevant to its funniness, but they need not be: the joke might fail to be funny on its own, without reference to its moral strengths and weaknesses.

Second, there are different sorts of autonomy. Most fundamental is *negative* autonomy. Negative autonomy is a two-place relation between domains: one domain of judgment is negatively autonomous of another. Such autonomy is the case when the criteria of concept application and judgment characteristic of a given domain have nothing to do with the second given domain. For example, take cooking and baseball as domains of judgment. Cooking is negatively autonomous of baseball (and *vice versa*) because baseball is irrelevant to the criteria of cooking-concept application and cooking-judgment. Baseball does not provide a standpoint from which these concepts and judgments can be explained or corrected. Cooking,

however, is not negatively autonomous of chemistry. Chemistry does provide information directly relevant to at least some cooking concepts and judgments, and does provide a standpoint suitable for informed and rational adjustment of cooking practices. When one domain provides a standpoint for the rational adjustment of the conceptual and judgmental practices of a second domain, we shall say that the second domain *answers to* the first. Moreover, when one domain centrally concerns a given topic, but another domain does not, then the second domain answers to the first with regard to this topic. Generally put: domain *X* answers to domain *Y* about topic *A* when domain *X* has no internal resources by which to correct judgments about *A* given by *Y*.

By contrast, a domain of judgment is *positively* autonomous when it is negatively autonomous of *all other* domains with regard to the topics centrally characteristic of that domain. In this case, the criteria of concept-application of judgment are completely internal to the domain in question. Since cooking answers to chemistry, cooking is not positively autonomous. I take the arguments of Prichard and Strawson to show that morality is a positively autonomous domain.¹¹² By contrast, the productionist is committed to the idea that such central moral notions as responsibility find their criteria of application in causal discourse. This means that moral discourse answers to causal discourse. A causal perspective is presented as having the means by which to adjust and correct moral judgments. According to productionism, morality is not positively autonomous because it is not negatively autonomous of a certain sort of causal domain of judgment.

Finally, it is important to recognize that a positively autonomous domain can still be *connected to* other domains. To claim that some domain is autonomous of others is not to deny that it has any connection with other domains. Rather, it is solely to claim that the standards of concept application and judgment *characteristic of the domain in question* are internal to that domain. This leaves open the possibility that there are deep connections between, e.g., the judgments in this domain and those in another, or the concepts deployed in this domain and those used in another, or the properties cited in this domain and those at work in others. More specifically, domain *X* is connected to domain *Y* when, on matters other than (yet somehow relevant to—see below) the concepts and judgments characteristic of domain *X*, it follows domain *Y*.

These remarks about connection clarify positive autonomy. A domain of judgment is positively autonomous when the criteria of judgments and application of the concepts *characteristic of that domain* are completely internal to it. Such concepts and judgments are the most important individuating characteristics of domains of judgment. On other matters, less central to the domain in question but still relevant to it, the domain may have to acknowledge the rational priority of another domain. So, suppose that morality is positively autonomous. This means that with regard to the concepts and judgments characteristic of morality, no other domain provides grounds for rational explanation or correction of the moral domain. Nevertheless, other domains may supply information important to particular moral judgments. Empirical data, for instance, can be vital to particular moral issues.

¹¹² Arguably, the humorous and the aesthetic are also positively autonomous domains.

Chemistry is the appropriate domain for providing chemical data, biology is the domain for biological data, *etc.* On these aspects of particular moral judgments, the moral domain must follow these other ones. This connection does not compromise its positive autonomy with regard to its characteristic concepts and judgments.

Given the above, any reasonable and interesting autonomy thesis (henceforth to be understood as positive autonomy, unless otherwise noted) must exhibit the following three characteristics:

General Autonomy Thesis:

1) The domain in question does not answer to other domains with regard to judgment, including assessment and concept application, in relation to topics centrally characteristic of that domain.

2) The domain in question has its own standards/criteria of judgment, including assessment and concept application, for topics centrally characteristic of that domain.

3) The domain in question is connected to other domains.

There are several things to note about an autonomy thesis as defined by (1)-(3):

- a) It is not specific to the moral, but is perfectly general.
- b) (1) and (2) are flip sides of the same coin.
- c) The word 'assessment' is used to include the activity of reflecting on and discussing judgments made within the terms of a domain. This is done to cut off the possibility of a middle-of-the-road position that holds that a domain is autonomous with regard to first-order judgments, but not with regard to higher-order ones. A thorough autonomy thesis will hold that reflection on first-order judgments is still part of the domain in question, so the standards by which such reflection itself is judged are still part of that domain, and not of another.¹¹³
- d) The characteristics are not all on equal footing. Whereas (1) and (2) give expression to what it means to be autonomous from other domains/sensibilities, (3) is a constraint on any reasonable autonomy thesis.

There is more to be said about autonomy theses in general before moving to the moral and the question as to whether such a thesis holds there. Specific autonomy theses come in one of three possible modes. Either it is necessary, *a priori*, that a given domain is autonomous of others, or it is an *a posteriori* contingent fact that a given domain is autonomous of others, or it is necessary *a posteriori* that a domain is autonomous of others. Thus:

¹¹³ Some complications about the appropriateness of speaking in terms of first and higher orders will be introduced later.

A Priori Autonomy Thesis:

LN1) It is necessary *a priori* that the domain in question does not answer to other domains with regard to judgment, including assessment and concept application, in relation to topics centrally characteristic of that domain.

LN2) It is necessary *a priori* that the domain in question has its own standards/criteria of judgment, including assessment and concept application, for topics centrally characteristic of that domain.

3) The domain in question is connected to other domains.

A Posteriori Autonomy Theses:

C1) It is a contingent fact that the domain in question does not answer to other domains with regard to judgment, including assessment and concept application, in relation to topics centrally characteristic of that domain.

C2) It is a contingent fact that the domain in question has its own standards/criteria of judgment, including assessment and concept application, for topics centrally characteristic of that domain.

3) The domain in question is connected to other domains.

M1) It is *a posteriori* metaphysically necessary that the domain in question does not answer to other domains with regard to judgment, including assessment and concept application, in relation to topics centrally characteristic of that domain.

M2) It is *a posteriori* metaphysically necessary that the domain in question has its own standards/criteria of judgment, including assessment and concept application, for topics centrally characteristic of that domain.

3) The domain/sensibility in question is connected to other domains.

The modal qualifications apply only to characteristics (1) and (2) because they express the core notion about what it means for one domain to be independent of others, whereas (3) expresses merely a constraint on any reasonable autonomy thesis. As such a constraint, it holds equally, regardless of mode, and need not be qualified.

The qualifications of (1) and (2) have methodological implications. Whether or not a specific autonomy thesis is true of a given domain is not a superficial matter. Learning that a domain is autonomous of others tells us something about its relative standing to other domains, but not just this. It also indicates that it has this standing because of the kind of domain it is. It is appropriate for a method of study to fit the nature of the domain being studied. Thus learning the mode of the autonomy thesis

of a given autonomous domain indicates something about how to proceed with questions pertaining to phenomena that are part of that domain.

The method for an *a priori* necessarily autonomous domain would be centrally concerned with the definitions and logic of its key terms. This would hold equally for arguments offered to establish the autonomy of this domain. For instance, it would be appropriate to seek and to formulate *a priori* marks—necessary and sufficient conditions—of phenomena characteristic of a given *a priori* necessarily autonomous domain. Such conditions might be further used in deductions about the kinds of phenomena that are part of such a domain.

By contrast, empirical defenses and methods are appropriate for *a posteriori* autonomous domains. To study phenomena included in this sort of domain, it would be appropriate to work descriptively, enumerating characteristics of the phenomena in question. Unlike *a priori* necessarily autonomous domains, one would do well to pay attention to contingent details. Further, such study should start with particulars and proceed inductively.

We can now finally turn to the arguments presented by Prichard and Strawson in defense of the autonomy of the moral domain.

1. PRICHARD'S DEFENSE

In 'Does Moral Philosophy Rest on a Mistake?', H.A. Prichard casts moral philosophy as centrally, but mistakenly, concerned with finding a proof or grounding for ordinary obligations that generally seem not to require such proof or grounding.¹¹⁴ Prichard critically examines consequentialist and deontological attempts to provide such grounding; such criticism will not be our concern here. Instead, I will concentrate on Prichard's positive argument, which amounts to an explicit defense of the positive autonomy of the moral domain.

Prichard thinks moral philosophy is often prompted by doubt about specific moral judgments: given the difficulty of living up to our obligations, or just a desire to do otherwise, one wonders whether one really is obligated to act as one seems to be. We can usefully translate Prichard's discussion into terms of first and second-order moral judgments. Moral philosophy begins with specific first-order moral obligations—obligations to do certain things not specified in terms of further obligations—and doubts about these. Moral philosophy characteristically moves to a more general, higher-order level of discourse. The judgments produced at this level would have first-order judgments as their content: e.g., some general account of why we are really obliged to perform acts as specified by particular first-order obligations would be typical of this sort of moral philosophy, as Prichard sees it.

The move from the first order to higher orders is the mistake, Prichard thinks, on which moral philosophy rests. That it is a mistake is not hard to show:

¹¹⁴ H.A. Prichard, 'Does Moral Philosophy Rest on a Mistake?', in *Moral Obligation* (Oxford, 1949), pp. 1-2.

1. For any specific moral judgment *P*, if *P* is adequate, then it will be for the specific, first-order reasons one could offer in support of *P*. A person doubting such a judgment has lost sight of these reasons, or at least of their force. To get over the doubt, the person needs to get back in touch with the specific, first-order reasons that provide adequate support for *P*. S/he does not need to be provided with other, higher order reasons. These will be beside the point.¹¹⁵
2. For any specific moral judgment *P*, if *P* is not adequate, then it will be due to the failure of specific first-order reasons, or to the presence of other, perhaps as of yet unnoticed, first order reasons. As an example, consider a judgment that seems acceptable on consequentialist grounds, but that trips up on rights or other deontological values. To understand what is going on in such a case, a person needs to get in touch with the specifics of the case. S/he needs to see the various reasons clearly. A theory of general conditions of the adequacy of moral judgments will be beside the point.

Prichard offers an analogy with the theory of knowledge to make his case.¹¹⁶ If we take the theory of knowledge to be addressing the question, ‘is what we have hitherto thought knowledge really knowledge?’, then we are barking up the wrong tree. Prichard thinks this question is a misleading, hence bad, version of ‘Is what we thought true really true?’, and this is to be answered by revisiting the particular reasons for thinking particular propositions true. For example, if one doubts some mathematical proposition, Prichard thinks what is needed is, e.g., to redo the relevant sums. What is definitely not needed is a general, higher order theory of conditions of knowledge. Knowledge is, according to Prichard, immediate: it need not, indeed cannot, be improved or vindicated by further higher order knowledge that some first order psychological event was in fact knowledge.

The analogy with moral philosophy is direct. We start off on the wrong foot if we take this branch of philosophy as a search for proof or grounding of particular obligations that is different from the original first order argument for a particular obligation.¹¹⁷ Doubts should be addressed by getting into particular situations and letting our moral capacities work on the details of these cases. That is, we should attend to particular reasons, and we should work to sharpen this rational activity. Obligation is, like knowledge, immediate: it need not, in fact cannot, be improved or vindicated by the provision of higher order obligations or normative force.

One might worry that the claim that obligations are immediate smacks too much of intuitionism to be acceptable, but we can make unproblematic sense of this idea. There are two important aspects to this notion. One is negative and theoretical, the other is more positive and loosely empirically based. The negative side we have seen—to say that obligation is immediate is to say that first order obligations are

¹¹⁵ Such other reasons might be of psychological help—they might assuage the feeling of doubt—but, strictly speaking, they would be irrelevant to the support of *P*. As psychological help, they would merely clear whatever obstacles are interfering with the person’s appreciation of the first order reasons on which *P* rests.

¹¹⁶ Prichard, ‘Does Moral Philosophy Rest on a Mistake?’, pp. 14–15.

¹¹⁷ Prichard, ‘Does Moral Philosophy Rest on a Mistake?’, pp. 16–17.

adequate on their own grounds, and need no further, higher order normative grounding. The more positive aspect consists in a redirection of attention to the experience of particular obligations. The flavour of Prichard's argument is that when we pay attention to what it is like to be obliged to do something, and to recognize the force of this obligation, we will see/recall that higher order obligations play no part in the experience. We rightly feel obliged to do something on the basis of the apprehension of specific first-order reasons. The feeling/perceiving of obligation is immediate in that it is not mediated by theory or abstraction of any sort, but is most at home when we are attentive to the situations we find ourselves in.

Prichard's insistence on the adequacy of first order reasons for particular moral judgments amounts to an explicit defense of an autonomy thesis. He is quite explicit that moral philosophy ought not to seek further grounding for specific moral judgments that have first order support. This entails that the standards of adequacy of moral judgments are internal to the moral domain. As such, we can find in Prichard's position an explicit defense of characteristics (1) and (2) of a positive autonomy thesis for the moral.

An important aspect of Prichard's case is its loosely *a posteriori* flavour. With both the theory of knowledge and moral philosophy, Prichard encourages us to turn away from theory to two other things:

1. The reasons presented in actual first order practices of justification.
2. The experience of knowing something or feeling obligated.¹¹⁸

His case is *loosely a posteriori* because he does not direct us to principled empirical inquiry into, say, human psychology. Instead, he relies on our understanding of knowledge and obligation in everyday life. This is *a posteriori* despite not being terribly principled. This makes it empirically-minded, in the spirit of the methodology chosen for the present exploration of philosophy of action.

2. STRAWSON'S DEFENSE

P.F. Strawson presents a famous defense of the positive autonomy of the moral domain in 'Freedom and Resentment'. His defense is even more explicit than Prichard's. Strawson's ultimate conclusion is that,

... questions of justification are internal to the structure [of human attitudes and feelings] or relate to modifications internal to it. The existence of the general framework of attitudes itself is something we are given with the fact of human society. As a whole, it neither calls for, nor permits, an external 'rational' justification.¹¹⁹

This statement is clearly an avowal of commitment to characteristics (1) and (2), presented above. Strawson's immediate target is determinism and the causal

¹¹⁸ I have discussed such experience with regard only to obligation, which is the important case for present purposes.

¹¹⁹ P.F. Strawson, 'Freedom and Resentment', in *Freedom and Resentment and Other Essays* (London, 1974), p. 23.

discourse in which such a thesis finds its natural home, but his conclusion applies more generally to any domain/discourse different from that of morality.

More subtly, Strawson's case is loosely *a posteriori* in much the same way Prichard's is. He introduces his method by noting, 'What I have to say consists largely of commonplaces.'¹²⁰ This is to say that, like Prichard, Strawson relies on our shared experience, on our knowledge of what it is like to live a life. This method is loosely *a posteriori* because Strawson never directs us to principled empirical inquiry into the experience about which he speaks. Nevertheless, his case rests on a purported match between what he claims and our experience. This match can be evaluated by paying attention to some range of facts gathered through experience or observation. Accordingly, Strawson's position is properly seen as empirically-minded.¹²¹

The question Strawson is investigating is whether the thesis of determinism is compatible or incompatible with moral discourse. Determinism is part of a thoroughly objective account of the world. To approach phenomena in this spirit is to adopt a thoroughly objective attitude towards them. Strawson's specific, loosely *a posteriori* method is to encourage the reader to think of as many kinds of interpersonal relationships as possible, then to think of the kinds of importance we attach to the attitudes and intentions directed towards us by the others in these relationships, and then to think of our own reactive attitudes.¹²² These reactive attitudes include personal ones, such as resentment, and more general ones that Strawson thinks include characteristically moral ones. This is an exercise in lay psychological and anthropological taxonomy: we are to make lists of the relationships we are caught up in and our psychological engagement with these relationships by reflecting on the structure of our lives as we know it from our lived experience. As such, it is loosely empirical. Through this exercise, we acquire a picture of the structure of life lived via an engaged, subjective attitude.

Once we have such lists in place, the question to ask is whether the acceptance of the thesis of determinism could lead us always to look on everyone exclusively with the objective attitude.¹²³ Doing so would mean giving up the subjective engagement of which we have framed an account with our lay taxonomy. Since morality is part of this subjective engagement, an affirmative answer to the question entails that determinism is incompatible with moral categories. Strawson's answer, for both the personal and more general reactive attitudes, is that this is not logically inconceivable, but that it is practically so. This is a conditional conclusion, befitting a loosely empirical argument. If Strawson's case were made on *a priori* grounds, he

¹²⁰ Strawson, 'Freedom and Resentment', p. 5. It is important not to mistake this for an *a priori* method. See below for the loosely *a posteriori* substance Strawson gives to his appeal to commonplaces. By contrast, an *a priori* approach to commonplaces would involve developing and tracing their logical relations. This is not what Strawson does in 'Freedom and Resentment'.

¹²¹ Strawson, 'Freedom and Resentment', p. 5. It is important not to mistake this for an *a priori* method. See below for the loosely *a posteriori* substance Strawson gives to his appeal to commonplaces. By contrast, an *a priori* approach to commonplaces would involve developing and tracing their logical relations. This is not what Strawson does in 'Freedom and Resentment'.

¹²² Strawson, 'Freedom and Resentment', p. 6.

¹²³ Strawson, 'Freedom and Resentment', p. 11.

could fittingly reach for a conclusion about logical inconceivability. It is important that he does not do so; for present purposes, this conditional conclusion vindicates the interpretation of Strawson's case as empirically-minded.

There is a second aspect to Strawson's conclusion. On occasion, we do adopt the objective attitude towards others. For example, when we find out that someone is mentally incapacitated in specific ways, we suspend our attitudes of resentment, and we cease to deploy the apparatus of moral responsibility in connection to the conduct of this person. Instead, we characterize that person's behavior in terms of objective, non-intentional causes, and act and feel accordingly. The way we adopt this attitude is very important: we never in fact take up the objective attitude as a result of conviction of the truth of determinism. Instead, the adoption of such an attitude is a consequence of the giving up of our subjectively engaged perspective. That is, we take up attitudes in clear consonance with determinism after giving up our interpersonal attitudes, and not *vice versa*. Determinism, or particular applications of this thesis, is never the cause of our suspension of our normal attitude. Further, we abandon our normal perspective for specific reasons in specific cases.¹²⁴ We do not give it up wholesale as a result of a general theoretical conviction. The loosely *a posteriori* character of these remarks is clear. On the basis of these two aspects of Strawson's case, he draws the conclusion about the autonomy of the interpersonal domain, including the moral, with which I opened this discussion.

Strawson's position, unlike Prichard's, provides a defense of characteristic (3) of the autonomy thesis. Strawson's argument explicitly concerns more than the moral: it addresses our entire engaged interpersonal standpoint, and this includes relations, attitudes and concepts that are not characteristically moral. The third characteristic of the positive autonomy thesis was that, despite not needing external justification, a given autonomous domain is nonetheless connected to other domains. Strawson's argument rightly places the moral attitudes within the context of life lived with more than one concern, more than one way of relating and reacting to others.

3. REFLECTION ON PRICHARD AND STRAWSON

Prichard and Strawson provide a multi-faceted explicit defense of the positive autonomy of the moral domain. Importantly, both employ a loosely *a posteriori* method in presenting their cases. Prichard turns us towards specific practices of providing first order reasons for first order moral judgments, and also to the experience of obligation. Strawson directs us towards our subjective engagement in interpersonal attitudes, and to the actual conditions under which we suspend such attitudes. The result of these lay observations is a strong case, even if an ultimately conditional one, for thinking that the standards of moral judgment and moral concept application are internal to the moral domain, and not to be sought outside of it.

A qualification is warranted here. The claim that Prichard and Strawson make an *a posteriori* case for the autonomy of the moral is clearly true, but it is not clear

¹²⁴ Note the similarity of this idea to Hart's position on interpreting *mens rea* in terms of excuses.

whether they have identified a contingent fact or a necessary one about morality. Strawson's case suggests a contingent interpretation. However, Prichard's case seems to invoke necessity: it would be a fair representation of his position to say that first order reasons *always* stand or fall by first order standards, and that hence it is *never* appropriate to seek higher order justifications or standards for first order positions. Nevertheless, the *a posteriori* aspect of his position is undeniable.¹²⁵ This indeterminacy is not important for present purposes, so I will bracket it and put it aside. By contrast, the *a posteriori* aspect of the arguments from Prichard and Strawson is important. The following formulation of a moral autonomy thesis is silent on whether the moral is necessarily or contingently autonomous of other domains:

MAT1) It is an *a posteriori* fact that the moral does not answer to other domains/sensibilities with regard to judgment, including assessment and concept application, on characteristically moral topics.

MAT2) It is an *a posteriori* fact that the moral has its own standards/criteria of judgment, including assessment and concept application, for characteristically moral topics.

MAT3) The moral is connected to other domains/sensibilities.

This thesis brings methodological implications with it. As exhibited by Prichard and, especially, Strawson, if they are correct, then empirical descriptions of moral phenomena will be more central to moral theory than the formulation of necessary and sufficient conditions for characteristic moral notions. Moral theorists should pay more attention to particular events and rationalizations than to abstract, general concepts. Finally they should seek ways to proceed inductively, formulating conditional conclusions contingent upon further empirical evidence, rather than attempting to devise deductive proofs.

Let's apply Prichard's case to responsibility. Responsibility is clearly a central moral concept. Moreover, it is deeply connected to obligation, on which Prichard focuses. If *S* has an obligation to do *A*, then *S* is responsible both for the performance of *A* and the failure to perform *A*. Suppose one questions a particular obligation one has, but in terms of responsibility: 'Am I really responsible for *A*?'. Prichard thinks we go wrong if we move from thought of the first-order grounds for this responsibility to a second-order theory of responsibility. Such a theory would, in all likelihood, spell out the conditions of responsible agency and guidelines for seeing how they pertain in the present case. A causal theory of responsibility would spell out causal criteria of responsible agency. With regard to the deployment of moral notions, Prichard's argument amounts to the contention that such a theory of

¹²⁵ Given the temporal relationship between Prichard and Strawson, one could represent Strawson's case as an alternative to Prichard's that defends the autonomy of the moral but avoids the *a priori* overtones of the earlier arguments. I have no quarrel with this representation, but I prefer to see the arguments as complementary.

responsibility would be beside the point. In terms of present interests: such second-order theories are not needed to provide criteria of the successful application of the moral notion of responsibility. If Prichard is correct, then his argument presents a serious problem for productionism. Productionism provides causal criteria of responsible agency. Only if such criteria are needed for moral notions can productionism claim to be a deeper answer to the status question than ascriptivism. Any case, such as Prichard's, for the positive autonomy of the moral favours ascriptivism.

Strawson's case works similarly. Whereas it is perhaps most natural to portray Prichard as arguing that first-order moral reasons *suffice* for moral judgment, Strawson argues that external justification is *not necessary* for moral reasons, and the practices in which they are deployed, to be recognized as robust. An account of being responsible that deployed causal criteria, either weak or strong, would be an attempt to provide the sort of external justification of morality against which Strawson argues. Since this is exactly the sort of account of responsibility that productionism could devise, Strawson's argument also works directly against productionism.

Besides its positive influence, Strawson's position has drawn criticism. It is worth considering this briefly to determine how it affects the present use of Strawson in defense of the positive autonomy of the moral, and correspondingly to determine whether it buoys the prospects of productionism against the sort of arguments we have seen from Strawson and Prichard. Paul Russell has provided the most important recent criticism of Strawson, so I will examine his position. Moreover, Russell's position is useful for clarifying important issues.

Following Strawson's lead, Russell presents Strawson's position by drawing an analogy between fear and responsibility.¹²⁶ It is clear that particular experiences of fear can be classed as more or less reasonable. That is, they are familiarly open to rational assessment and justification. However, the overall fact of being susceptible to fear is not open to such assessment. Following Russell, we all know that fear-*tokens* can be more or less supported by reasons, but the *type* of experience, fear, that characterizes human living is not open to such support and so neither stands nor falls with it. Crucially, the rational assessment of fear-tokens is *internal* to a fear-type kind of living.

The analogy with responsibility is direct: particular instances—tokens—of the deployment of the reactive attitudes can be more or less appropriate; such appropriateness is determined by examining the reasons that can be offered to support such deployment. But this type of attitude is not open to such assessment. Further, the rational assessment of reactive attitude tokens is internal to the living of a life constituted, in part, by this sort of experience.

The type-token distinction opens up the possibility of different sorts of attack and defense of Strawson's position. Russell continues the fear-analogy to make his point. The fear-type pessimist, '... focuses on the supposed need for an (external, rational) justification for the fact that we are susceptible or liable to fear.'¹²⁷ Since no such

¹²⁶ Russell, 'Strawson's Way of Naturalizing Responsibility', pp. 292-3.

¹²⁷ Russell, 'Strawson's Way of Naturalizing Responsibility', p. 294.

justification is forthcoming, we should give up on fear. The appropriate response is type-naturalism: the liability to fear is a given with human living, so not in need of this sort of justification, and hence not in danger from its absence.

By contrast, a fear-token-pessimist could claim that given our circumstances, we are never in fact justified in being afraid. The *type* of disposition is left intact by this approach; instead, the claim is that no tokens of this experience turn out to be persuasively supported by reasons. Type-naturalism is not available as a defense, since the type of experience is not threatened. This leaves token-naturalism, which claims that fear tokens, not just the liability to feeling fear, are also a given with human experience. Hence, again, the lack of rational support is beside the point with regard to the robustness of the existence of these experiences.

Russell claims that, unlike type-naturalism, token-naturalism is not persuasive as a response to the token-pessimist:

... if the token pessimist were right [that fear tokens are never warranted], then it is not implausible to suggest that in these circumstances we should cease, and are capable of altogether ceasing, to entertain or feel (tokens of) fear. From this perspective it seems evident that the token-naturalist (unlike the type-naturalist) puts forward the wrong sort of reply to his pessimist counterpart. More specifically, the token-naturalist, in an effort to discredit the token-pessimist, makes claims that seem suspect in point of fact and which, in any case, do nothing to lift or remove the wholly legitimate concerns of the token pessimist ...¹²⁸

Again, the analogy with responsibility is direct: although type-naturalism might be available as an answer to type-pessimism, token-naturalism is unpersuasive as an answer to token-pessimism. Particular instances of deployment of the reactive attitudes might never be warranted. With them goes responsibility and the whole of our moral practices.

In evaluating Russell's criticism, we must be careful to isolate the relevant issue. Russell and Strawson have responsibility and determinism foremost in mind, but our issue is whether or not the moral domain is strongly autonomous of non-moral domains. In either case, it is important to note that Russell misrepresents the conclusion that the token-pessimist is entitled to draw. The claim that, in fact, tokens of fear or reactive attitudes are never justified can only be an empirical claim. That is, it is supported by an examination of particular cases and the sorts of ways situations could warrant these sorts of experiences. As an empirical claim, it could never support the very strong conclusion that we should cease fearing (or interpersonally reacting), despite our natural dispositions. Instead, the appropriate conclusion to draw is that we should be much more discriminating about how and when we deploy fear and the reactive attitudes. Since the claim is that these are rarely if ever warranted, the appropriate conclusion is that we should pay more attention to particular circumstances and, in so doing, we shall learn that, e.g., fear-worthy moments rarely if ever occur. Put this way, token-pessimism clearly mandates practices that are *internal* to fear-type-living, and as such that are perfectly consistent with the overall autonomy of the fear domain. The analogy is direct: token-pessimism about responsibility calls for habits that are internal to the practices

¹²⁸ Russell, 'Strawson's Way of Naturalizing Responsibility', p. 295.

of deploying the reactive attitudes, and that hence are consistent with the positive autonomy of the moral domain. Indeed, even if Russell had characterized token-pessimism appropriately, this conclusion would still be warranted. Russell's characterization obscures this point, however. More generally, the appropriate understanding of token-pessimism allows us to see the subtlety of Strawson's pragmatic approach to the moral domain. As we shall see when we turn to other sorts of position on moral responsibility, there is a general tendency, shared by Russell to some degree, to under-estimate the texture and variety of moral reasons that can be deployed from within the moral domain. Specifically, causal notions deployed within moral practices are not likely to be criterial of those practices themselves.¹²⁹ At the very least, they need not be. Productionism hence finds no support in Russell's sort of criticism of Strawson.

4. BEING RESPONSIBLE

We now face a crucial question. As here presented, Prichard and, especially, Strawson address what it is to *deploy* moral responsibility. That is, their arguments constitute, first and foremost, an account of what it is to *hold someone responsible for something*. But many think that there is a difference between holding responsible or being held responsible and *being responsible*. Intuitively, it seems that one could be held morally responsible for *X*, yet not be responsible for *X*. The converse also holds. Fischer and Ravizza press exactly this point against Strawson.¹³⁰ Productionists contend that something causal makes one an appropriate recipient of the reactive attitudes, i.e., responsible. Consider this remark from Fischer: 'More specifically, it is generally thought that this freedom or control is what grounds the second normative ingredient: rational or appropriate accessibility to the reactive attitudes and activities—such as reward and punishment—bound up with them.'¹³¹ For present purposes, more work has to be done to show what sort of account of being responsible is implicit in the arguments about the positive autonomy of the moral domain.

Let's concentrate on Strawson, since he addresses responsibility explicitly. According to Strawson, to hold someone responsible is to deploy the reactive attitudes towards that person. When excusing conditions are filled, we suspend the reactive attitudes and refrain from holding the person responsible for their actions. Presumably then, in the first place, to be responsible is to be an apt candidate for the reactive attitudes. This is exactly how Fischer, for one example, takes Strawson's presentation of responsibility.¹³² The general productionist move at this point is to

¹²⁹ However, R. Jay Wallace develops such a position—see the discussion below.

¹³⁰ John Martin Fischer, & Mark Ravizza (eds.), *Perspectives on Moral Responsibility* (Ithaca, New York, 1993), p. 18.

¹³¹ John Martin Fischer, *The Metaphysics of Free Will: An Essay on Control* (Oxford, 1994), p. 3. See Chapter Nine for Fischer's explanation of guidance control.

¹³² Other examples are 1] Gary Watson, 'Responsibility and the Limits of Evil: Variations on a Strawsonian Theme.', in F. Schoeman (ed.), *Responsibility, Character, and the Emotions: New Essays*

specify causal conditions for being such an apt candidate. But Strawson is explicitly opposed to such an account of moral notions. After all, causal notions pertain to the domain of determinist discourse, which is external to the participant perspective within which the reactive attitudes are deployed. A Strawsonian account of being an apt candidate for the reactive attitudes must use other resources.

Strawson does not explicitly address this issue, but an account of this matter can naturally be drawn from his discussion of responsibility. The reactive attitudes are deployed from within the participant perspective, as opposed to the abstract, objective perspective characterized by causal discourse. The criterion of being an apt candidate for the reactive attitudes should not be causal, but *participatory*, or, to use a more familiar word, *pragmatic*.¹³³ A person must demonstrate that s/he is an appropriate target for resentment, gratitude, *etc.* This is done through participation in the very practices through which these attitudes are exercised. More specifically, one demonstrates social competence by acting in accordance with, e.g., rules, principles, expectations, *etc.* With regard to expectations, one demonstrates social competence interpersonally, and hence publicly. In Strawsonian terms, one does this by acting sensitively to the deployment of the reactive attitudes, and as if using these attitudes oneself. Whether one actually experiences the feelings is beside the point, since whether one does or not is inaccessible to others.

Overall, this will sound odd to many, but it shouldn't. It sounds dubious if we imagine a heretofore isolated adult trying to gain entry into a social group constituted by moral practices. Of course, the real world is not like this at all. First, no person exists completely outside of already existing social groups. The groups that do exist are not isolated from each other. Moral practices overlap; there is much in common around the world in the sorts of attitudes that are deployed within various participant perspectives. Consequently, any individual who did find him/herself in the very odd situation of trying to demonstrate one's competence in moral practices would have much to use from his/her background. Second, the *exceedingly* vast majority of people do not find themselves in a position where their moral participatory competence must be demonstrated all at once. Instead, we start as children and hone our participatory skills as we mature. We have, literally, years to demonstrate that we are apt candidates for the reactive attitudes. Our existing practices reflect this fact. In general, we do not hold children responsible for their actions to the same degree as we do adults. But we do hold them sort of responsible. We routinely deploy modified versions of the reactive attitudes towards children. The extent of such deployment depends, fairly reliably, on the level of maturity of the recipient. We even explicitly deploy some reactive attitudes in a teaching mode. For instance, it is common for adults to thank children in more explicitly overt ways than they thank other adults. The rationale is clearly instructive: it is a way of helping to bring up these children to be full participants in the moral domain.

in *Moral Psychology* (Cambridge, 1987). and 2] Jeanette Kennett, *Agency and Responsibility: A Common-sense Moral Psychology* (Oxford, 2001).

¹³³ See R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge, Massachusetts, 1994), p. 9 for like characterization.

In practical contexts involving adults, actual demonstration of competence is of secondary importance. When adults from different social groups meet, their long period of education is implicitly recognized. The most common way of behaving towards strangers is to assume that they are apt candidates for the reactive attitudes. In practice it is *failure* to fit in that strangers must demonstrate, not competence with regard to the moral practices that constitute the participatory perspective. As Hart suggests about *mens rea*, we assume that people are morally responsible when the conditions that would defeat seeing someone as responsible are not filled. Both the meeting and the avoiding of defeating conditions, such as mental incapacity, are done with publicly observable, interpersonal performances. To construe the absence of the satisfaction of defeating conditions in terms of capacities of the agent is an individualistic interpretation of publicly observable and in large part contextually individuated competencies. Our normal practice is to *assume* capacity, but we *encounter* competence.

There are two things worth noting in passing about this view of being responsible. First, agents who demonstrate their competence in the social practices that are characterized by deployment of the reactive attitudes count as responsible even when they are not actually being held responsible.¹³⁴ Second, non-humans are not morally responsible because they routinely fail, completely, to demonstrate competence in the practices that provide the individuating conditions of the status of being responsible. However, once we find non-humans, whether artificial or natural, extra-terrestrial or terrestrial, that do demonstrate such competence, then they're in! We would have no principled grounds on which to deny that these were morally responsible beings.

On this neo-Strawsonian account of responsibility, the criterion of being responsible is pragmatic. Being responsible, on such a view, is just to have a socially individuated competence. Productionists hold that the criterion of being responsible is causal. The question to address this point is whether pragmatic criteria amount to causal ones. If they do, then here is another point at which the productionist can claim to have identified a deeper, and hence more important, criterion of responsibility and action than the ascriptivist. But if pragmatic criteria do not imply causal ones, then ascriptivism is shown, again, to be independent of productionism and hence to be a real rival account of responsibility and the status question.

I am inclined to think that pragmatic criteria do not imply causal ones. If they did, weak causal criteria would be the relevant sort. The competent participant in the social practices within which the reactive attitudes are deployed shows, in a sense, that s/he is clearly able to participate in these practices. It is tempting to conclude that such an agent has an ability of some sort, and this in turn seems to be amenable to the formulation of weak causal criteria for this ability. However, this is a hasty and overly simplistic interpretation of the situation of the competent moral participant. The suspicious step is the one from being able to the inference that *an*

¹³⁴ However, given the omni-presence of social expectations, and given that we apply the social apparatus of holding responsible to ourselves, perhaps there is a sense in which we are always being held responsible. Either way, the property of being responsible persists, rather than coming and going with actual praise and blame.

ability is present. At the beginning of inquiry, we have to be open to the possibility that the competent agent's competence is multiply realized. There may be a wide array of specific causal processes that make one an able moral agent. In such circumstances, there may be no particular causal realizer that is necessary for moral competence. And if this turns out to be the case, then productionism falters: the search for criteria has here been cast as a search for *type-necessary* conditions. Merely sufficient causal conditions tell us less about the nature of the moral agent's competence than the fact of such competence itself.

Philip Pettit puts this issue very clearly, although he is not in thorough agreement with the present sort of approach. Pettit's topic is freedom, but he understands this in terms of fitness to be held responsible,¹³⁵ making his discussion clearly closely related to the issues being examined here. Pettit calls this a 'functional' characterization of freedom.¹³⁶ A functional characterization is a contextualist one, in that it relates the phenomenon in question to other, independently existing things. Pettit thinks the provision of a functional characterization of freedom leaves unanswered the question of what freedom is in itself. This is for theories of freedom to address. The present point to keep in mind is that for any functional characterization, there need not be anything in particular that the phenomenon is 'in itself'. For a functionally characterized competence, there might be some particular ability that realizes it, but there need not be. Otherwise, it might be, at *best*, disjunctively realized. At *worst* (at least for those who feel a strong pull to find something that being responsible is 'in itself'), the competence in question might be open-endedly realized. In either of these latter cases, the competence in question is univocally individuated only contextually. In such cases it would be very awkward and dubious to claim that, e.g., talk of some group of individualistically construed abilities should replace talk of the contextually individuated competence, or that we should prioritize the individualistic capacities over the one contextual competence.

To illustrate, consider a series of non-moral examples. Andre Agassi is a competent tennis player, to say the least. So is Andy Roddick. By this I mean that they both excel at meeting whatever criteria of excellent participation in tennis there are. But their competencies are manifest in different ways. There are all sorts of strokes that both players must be able to perform to be competent. Some of these might be necessary for competence, some might be merely sufficient—i.e., helpful, but not vital. The fact that Agassi and Roddick excel in different aspects of tennis supports this impression. Agassi's success hinges, in large part, on his return of serve. By contrast, Roddick is an average returner at best. His excellence rests on his serve. Insofar as we mean to emphasize what is excellent about their abilities when we describe Agassi and Roddick as (colloquially) able tennis players, their competences are realized by different causal processes.

The Agassi-Roddick example presents an interpersonal comparison of the realization of competence, but the same case can be made with an *intrapersonal* example. Martina Navratilova is yet another (colloquially) able tennis player. Her

¹³⁵ Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Oxford, 2001), pp. 10-14.

¹³⁶ Pettit, *A Theory of Freedom*, p. 32.

success at Wimbledon was accomplished with a serve-and-volley strategy: follow one's serve by running to the net and try to control play to one's advantage with volleys rather than groundstrokes. Such competence in tennis hinges on two types of strokes, clearly executed in different ways. The serve is the stroke that initiates play. The player has a very high degree of control of the location of the ball at the time of contact because s/he throws it into the air him/herself. The server has as much opportunity as possible to plan the pace and trajectory of the ensuing shot. A volley could hardly be more different. It is hit typically when the player is close to the net. The ball has not bounced on his/her side before contact. Because the player is so close to his/her opponent, and because the opponent has, in all likelihood, hit the ball rather hard, a volley is often a reflex shot. It can consist of little more than a stab in the direction of the ball. This is in marked contrast to the consciously planned execution of the serve. Assuming that there is significant difference between the planned execution of a movement and the reflex execution of a movement, it is safe to conclude that Navratilova's tennis competence is realized by a variety of distinct of causal processes. Whether any particular one is necessary is very difficult to say. It certainly cannot be assumed at the beginning of inquiry, but instead must be demonstrated.

Our focus can be made even more specific with an intra-shot example. Volleys are hit in a variety of ways. Most are largely reflex, but if your opponent hits a looping, weak shot to you, you actually have a great deal of time in which to plan your volley. Hence even volleying competence is realized by distinct causal processes.

As it happens, the lesson that has unfolded in the various tennis examples holds generally for biology. Hugh LaFollette and Niall Shanks point out that an important commonplace of biological inquiry is that commonality of biological function between members of different species does not entail commonality of cause of these functions.¹³⁷ They can be realized in different ways. I take the present considerations of the realization of competences between individuals to be a related issue.

In summary, the invocation of an ability to explain public, social competence should often be taken as a local explanation, not one of more widespread applicability. Andre Agassi's tennis competence rests largely on his return of serve, but an excellent return of serve is not necessary for tennis competence. Tennis competence is multiply realizable, and unified only when functionally—i.e., non-individualistically—characterized. I have chosen the tennis example deliberately because it is a hard case. The temptation to provide individualistic criteria for competence in tennis is very strong. However, even here, a good case can be presented for thinking that, for at least some tennis competencies, the criteria are contextual.

The general lesson is that pragmatic criteria do not necessarily entail specific individualistic causal ones. However, pragmatic criteria can, in some cases, reduce to causal ones. This makes the issue of whether a pragmatically construed phenomenon has causal criteria an empirical one. This in turn puts the burden of

¹³⁷ Hugh LaFollette & Niall Shanks, *Brute Science: Dilemmas of Animal Experimentation* (London, 1996), p. 100.

proof on those who would replace pragmatic criteria with causal ones for a given phenomenon—positive argumentation must be provided for the particular kind of phenomenon in question, since pragmatic criteria do not imply causal ones *a priori*.

I am inclined to think that the moral case is analogous. In fact, the more complex the moral attitudes turn out to be, the more likely it is that competent participation in moral practices is multiply realizable. I am inclined to think that moral practices are very complex, and include a wide variety of attitudes and sensitivities. As we all know, different people exemplify different virtues. Some are particularly sensitive to moral attitudes that fail to move others. Yet these people all count as roughly equally morally competent. It takes gross failure to count as incompetent, and it takes great works to be recognized as morally excellent rather than just competent. Insofar as people can get along (or fail, or excel) in various respects, moral competency is plausibly taken as multiply realizable. It may be the case that no particular causal ability is necessary for being morally responsible, i.e., for being an appropriate candidate for the reactive attitudes. The appropriate assumption at the beginning of inquiry is that this is the case. The reality that would vindicate even a weakly productionist account of moral responsibility—that a particular causal ability grounds moral competence—must be demonstrated, counter to the reasonable starting assumption.

The neo-Strawsonian position on being responsible is in marked contrast to contemporary work on moral responsibility. We will see the important work of Fischer and Ravizza in this vein in Chapter Nine, so I will not discuss it here. Other thinkers develop similar attempts to find individualistic, causal criteria of being morally responsible, even when explicitly using Strawson as a point of navigation. For example, Jeannette Kennett has recently developed an anti-Strawsonian position on moral responsibility and related notions. Kennett's positive task is to defend common-sense moral psychological distinctions, including ones that pertain, somehow, to moral responsibility. Critically, Kennett thinks that the Strawsonian account of moral responsibility needs something outside of moral practices to which the moral practices answer. Otherwise, she seems to think, moral requirements would not be fair, because they would not be requirements of reason.¹³⁸ More positively, she claims that moral requirements, central to which would be ideas of moral responsibility, are grounded, i.e., apply to us, '... in virtue, first, of our shared rational capacities for critical reflection and, second, of our capacities for action in accordance with the outcome of such reflection . . .'¹³⁹ This is an individualistic understanding of the grounding of moral requirements, since it casts them as hanging on individual cognitive and practical capacities. Since it emphasizes capacities and not particular mental states as the causes of certain sorts of behavior, it is more compatible with weak productionism than strong. This impression is strengthened if one thinks of action in accordance with rational capacities for critical reflection as action under one's *control*.

Although Kennett does not defend this individualistic understanding of moral responsibility explicitly against externalist conceptions, there are a couple of lines of

¹³⁸ Kennett, *Agency and Responsibility*, p. 98.

¹³⁹ Kennett, *Agency and Responsibility*, p. 100.

argument in her work that seem like potential defenses. Most obviously, she claims that the crucial issue in deciding whether a person is morally responsible is deciding whether that person is capable (of understanding and control).¹⁴⁰ This is, essentially, just another way of putting the point about why moral requirements pertain to us. The later claim, however, is made in the midst of a discussion of cases in which we suspend the reactive attitudes. Her discussion centrally includes cases of cognitive immaturity and dysfunction: very small children, people with severe intellectual disabilities.¹⁴¹ In these cases, problems with individual cognitive capacities warrant the suspension of the reactive attitudes, so, one might argue, such individual cognitive capacities must be the ground of moral responsibility in normal cases. This inference, however, is enthymematic: explicit positive argumentation is needed to establish the positive criteria of moral responsibility. The factors that defeat ascriptions of moral responsibility do not necessarily correspond in a simple one-to-one fashion with the factors that warrant it. Crucially, such individualistic defeaters are perfectly compatible with contextual criteria of being responsible. As this argument stands, it merely assumes individualism, so it cannot provide any compelling independent support for it.¹⁴²

A second potential line of support is found in Kennett's reflections on what it is for something to be a moral reason. One might think that this is relevant to the issue at hand because moral reasons are, at least some of the time, going to be reasons that support the view that someone is responsible for something. Kennett claims that something, '... is a substantive reason for valuing an action or outcome if and only if we are disposed to take it to be so under conditions of increasing information and rational reflection.'¹⁴³ This is an individualistic understanding of what it is to be reason because the status of a reason turns on facts about individuals. However, Kennett goes on to explain this idea in terms of ideal rational beings, i.e., the standard for judging whether something is a moral reason is how an ideally rational being would take it, not just ourselves thinking a bit more clearly. This poses two potential problems for weak productionism's individualism. The first and less serious problem is that it risks severing reasons from the actual individuals who are to act under the considerations at issue. The original formulation, which cites improving conditions of information and reflection, is very clearly connected to actual individuals. Tying reasons to ideal rational beings entails at best a different sort of individualism; whether it is compatible with the interests of weak productionists is something that, understandably, cannot be determined by Kennett's work.

The second and much more serious problem is that other accounts of what it is for a consideration to be a reason are available. This means that Kennett's individualistic position needs to be shown to be better than such other accounts. Kennett does not pursue this matter, so her case is critically underdemonstrated. For example, a Strawsonian externalist might claim that what makes a consideration a

¹⁴⁰ Kennett, *Agency and Responsibility*, p. 194.

¹⁴¹ Kennett, *Agency and Responsibility*, p. 193.

¹⁴² This pattern of reasoning is discussed in more detail in Chapter Nine.

¹⁴³ Kennett, *Agency and Responsibility*, p. 106.

reason is its role in our discursive practices. Just like being responsible, a consideration would have to demonstrate its place in our interpersonal practices that include reason-exchanging for it to be a reason. Kennett's individualistic understanding of reasons is opposed by very influential Wittgensteinian themes that have been developed by such thinkers as Stanley Cavell and John McDowell. Indeed, her overall contention that Strawson's position on moral requirements needs to answer to something external to it finds opposition in these considerations. Instead of an account of the ground and nature of reasons being cast in terms of individual capacities, Wittgenstein's reflections on following a rule suggest that such an account is better put in terms of forms of living. Cavell, reflecting on language competence, claims that it is grounded in such things as feelings and senses of, e.g., humour and significance.¹⁴⁴ These are exactly the sorts of givens to which Strawson appeals in his discussion of moral responsibility. Turning to moral considerations, John McDowell warns against a picture of moral reasons that sees them as answering to and hence following something external to our discursive practices. The image he uses is one of rules as rails: the purportedly mistaken view of moral reasons sees them as grounded by objective rails that stretch into yet unvisited territories, determining the projection and application of such reasons before humans and their discursive reason-exchanging practices experience them. Kennett, however, attempts to provide exactly such individualistic, objective rails for moral reasons.

The problem here is methodological, not substantive. I am not going to pursue the details of the Wittgensteinian position on moral reasons against Kennett. The important thing to notice is that such an anti-individualistic, contextualist position on the nature of reasons suits the neo-Strawsonian account of moral responsibility quite well. Moreover, it is supported by interesting and influential Wittgensteinian considerations. This means that it must be taken seriously and argued against by rival positions, especially those that purport to see problems in Strawson's position. Kennett pursues no such explicit argumentation. The individualistic view is largely assumed in her work, and hence it is underdemonstrated.

In an important sense, the present discussion of Kennett on reasons misrepresents Kennett's real interest. Kennett's reflections about ideally rational agents are meant to be an account of what it is for something to be a *good* reason, a rationally binding reason, as opposed to a reason merely internal to a given system or institution.. For example, particular religions offer accounts of the nature of the world that typically include reasons to perform or to abstain from certain sorts of actions. Internal to this system, these considerations play the role of reasons, but they are not real reasons for behavior unless there is some reason to think that the system itself captures the grounds of the normativity that would bind any rational agent. Kennett's account is of the grounds of this sort of normativity. Hence, arguably I have been pressing Kennett's case into use for which it is not really suited. However, even if I have misrepresented Kennett's position, I have done so favourably, at least with regard to the connection between her concerns and those of the present book I have tried to find in her work arguments for her individualism, and, failing this, I have pressed

¹⁴⁴ Stanley Cavell, *Must We Mean What We Say?* (New York, 1969), p. 52.

related considerations into service as such arguments. If Kennett's reflections about ideally rational agents do not meet the present concerns, then they provide no support for individualism whatsoever. On this view, Kennett's individualism is even less defended against anti-individualistic positions than I have presented it.

To finish this examination of Kennett, let's briefly return to her criticism of Strawson. The contention that, without some external grounding, moral requirements are not requirements of reason is clearly false. We have already seen this in the discussion of Paul Russell's position. Perfectly robust reasons can be marshaled within moral practices. We see this even more clearly in the case of R. Jay Wallace. Wallace's account of moral responsibility is the most subtle recent discussion, so it is the most important to examine. As we shall see, Wallace's position does not, strictly speaking, call into question the autonomy of the moral domain. Nevertheless, his position is individualistic, and manages to hold out the promise of subtle hope for weak productionism even if a largely Strawsonian position on moral responsibility is accepted.

Wallace identifies two traditional ways of interpreting the issue of being responsible.¹⁴⁵

- a) The *metaphysical* interpretation holds that there is a realm of facts absolutely independent of moral norms and practices and to which these norms and practices answer. Some of these facts constitute being responsible. Weak productionist accounts of responsibility, such as those we have seen from Kennett and Fischer & Ravizza, fall into this category. Wallace rejects this approach simply because he finds the positing of such a domain of facts that can serve this purpose implausible. We can add this sort of complaint to the problems already seen with Kennett's position.
- b) Wallace identifies a *pragmatic* interpretation of the issue of being responsible, but he provides merely a negative characterization of it: 'Extreme pragmatist interpretations, on the other hand, abandon the idea that there is any fact of the matter about what it is to be responsible . . .'¹⁴⁶ He dismisses this as overly pessimistic, to be adopted only as a last resort.¹⁴⁷

However, we have good reason to be suspicious of Wallace's quick rejection of pragmatic interpretations of being responsible. I have characterized a neo-Strawsonian approach as pragmatic, yet I have provided a positive characterization: to be responsible is to demonstrate competence in the social practices that are inherently characterized by practices of holding people responsible. There clearly is a fact of the matter about whether any given person has in fact demonstrated such competence and earned the social status of being responsible. Only if one thinks that there must be an individualistically construed fact of the matter could one claim that this pragmatic interpretation of the issue gives up on there being truths in this domain. For, as we have seen, when characterized this way, being responsible has

¹⁴⁵ Wallace, *Responsibility and the Moral Sentiments*, p. 85.

¹⁴⁶ Wallace, *Responsibility and the Moral Sentiments*, p. 85.

¹⁴⁷ Wallace, *Responsibility and the Moral Sentiments*, p. 88.

externalist criteria. One implication of this is that what counts as a demonstration of social competence in one domain might not be adequate in another domain. A person could be responsible in one social context, but not in another. This possibility, of course, does not entail that there is no fact of the matter: there clearly are facts about how the person has lived up to the social criteria in the two contexts. Interestingly, Wallace does not have the resources to reject this idea on the grounds that it ties responsibility too closely to our practices of holding people responsible, for he has already embraced such a close connection in his rejection of the metaphysical interpretation.

Since he has rejected both traditional approaches to the issue of being responsible, Wallace provides a new, third option:

- c) The issue is a *normative* one. The issue should be seen as one of specifying the conditions under which it is *fair* to hold someone responsible. As a normative issue, the matter of being responsible arises within social practices characterized by moral norms. The issue no longer calls for handling in terms external to these practices. It is because Wallace casts the issue in this way that his position does not threaten the arguments that have been presented to demonstrate the positive autonomy of the moral domain.

Pursuing the normative approach, Wallace offers the following schema for thinking about the conditions of being responsible:

(N) *S* is morally responsible (for action *x*) if and only if it would be appropriate to hold *S* morally responsible (for action *x*).¹⁴⁸

The task now for Wallace is how to explicate this schema. Wallace proceeds, from a perspective internal to our participatory stance, metaphysically. He claims that the possession of rational powers, ‘. . . the power to grasp and apply moral reasons, and the power to control one’s behavior by the light of such reasons . . .’¹⁴⁹ makes it appropriate to hold the possessors morally responsible. These are essentially the same ideas that Kennett offers. We can now see why Wallace’s position is subtle: he follows Strawson very far, yet still caters to the metaphysical intuitions that drive much of the investigation of this issue.

There are several points to note here. One is that Wallace’s normative schema is virtually identical to the way in which I characterized the natural understanding of being responsible from a Strawsonian perspective. I then pursued a pragmatic interpretation: demonstrating social competence and earning a certain social status makes it appropriate to hold one morally responsible. This suggests that the normative strategy is not so distinct from the pragmatic strategy as Wallace thinks. Crucially, and secondly, it indicates that even from a stance internal to the participatory perspective, the pragmatic route is available. Since Wallace pursues a metaphysical interpretation at this point, it is obvious that the metaphysical strategy is also available. So, despite Wallace’s rejection of these ways of approaching the

¹⁴⁸ Wallace, *Responsibility and the Moral Sentiments*, p. 91.

¹⁴⁹ Wallace, *Responsibility and the Moral Sentiments*, p. 7.

issue, it seems that the choice between them reappears after Wallace's reinterpretation. The question is how to choose between them.

Wallace does not address this issue directly. He does not return to consider the merits of the pragmatic interpretation. Instead, he claims that it is 'natural' to think that what makes one morally responsible is some sort of ability.¹⁵⁰ That is, very early in his examination of being responsible Wallace assumes an individualistic approach. We have seen the same sort of assumption of individualism about this issue from Kennett and and we will see it again from Fischer & Ravizza in Chapter Nine. Evidence is mounting that such an assumption is systemically distributed, rather than being an occasional methodological tendency.

The clearest defense of individualism presented by Wallace also takes a familiar form. Wallace casts his position against incompatibilism. He offers the following as normative interpretations of the incompatibilist's complaints about determinism and responsibility:

1. 'The incompatibilist wishes to say that people do not deserve to be blamed or sanctioned for the individual actions they perform, if determinism is true.'¹⁵¹
2. 'The thought is that it would be unreasonable to hold people accountable if they lack freedom of the will . . .'¹⁵²

Wallace comments that these sorts of ideas are 'most naturally interpreted' as indicating that a certain sort of ability is a condition of the appropriateness of holding someone responsible. This is the same sort of enthymeme deployed by Kennett. Conclusions about the criteria of some status cannot be simply read off, in a one-to-one fashion, from premises about conditions that defeat that status. Criterial and defeating conditions *might* have such a one-to-one correspondence, but this must be independently demonstrated. It is a grave mistake to assume that they line up on this way. On the matters of criterial and defeating conditions of desert and reasonableness—the normative notions deployed in Wallace's two characterizations of incompatibilism—consider the following cases:

1. *S* is a professional hockey player. One day while practicing, *S* injures his ankles. As a result of his injury, *S* will not be able to play for the rest of the season. Most would agree that it is not *fair* for the team's General Manager to fire *S* because of his injury. That is, *S* does not *deserve* to be fired. However, it is not natural to think that having healthy ankles is a condition of *S*'s deserving the job. And, even if one thinks that having healthy ankles is some sort of condition of deserving the job, it clearly is not a central or important one.
2. Suppose that you want to read a long book that you have been meaning to read for some time. As it happens, you are in the middle of moving house, and you have no place to sit other than the hard floor [I have been in exactly this situation, incidentally.]. So you sit down and start your book. Your spouse

¹⁵⁰ Wallace, *Responsibility and the Moral Sentiments*, p. 6.

¹⁵¹ Wallace, *Responsibility and the Moral Sentiments*, p. 107.

¹⁵² Wallace, *Responsibility and the Moral Sentiments*, pp. 108-9.

comes in and tells you that it's not *reasonable* to attempt such a long read without a good place to sit. However, it is not natural to think that having a good place to sit is a condition of the reasonableness of reading a long book. And even if one is tempted to think that it is at least some sort of condition of the reasonableness of such an undertaking, it is clearly neither a central nor an important one.

The lesson of (1) and (2) is that it is not, in fact, natural to infer directly from a defeating condition to a criterial condition. Moreover, even if the defeating condition does in fact indicate some sort of criterial condition, it need not be a centrally important one. The criterial condition indicated by the defeating condition could well be relatively superficial and hence relatively uninformative about the nature of the phenomenon at issue. Direct argumentation is needed both to demonstrate that a defeating condition is a good indicator of a criterial condition and that this criterial condition is in fact an important one. I have shown that weak productionists, and related positions on moral responsibility, routinely fail to pursue such direct argumentation.

Wallace comes close to providing the necessary argumentation in sections 5.2 and 6.1 of his book. These sections are on various sorts of psychological phenomena and their role in either excuses or justifications of behavior. However, these sections are inconclusive on the present matter because they are not directed explicitly at it. Examining these sections would take us too far from the present topic, so I will not pursue them. However, it is worth noting in passing a *prima facie* reason to be suspicious of some of Wallace's case here. On his account, an excuse shows that the agent has done nothing wrong.¹⁵³ This runs explicitly against the ideas about the nature of excuses we saw in the examination of court cases and legal responsibility. Given the empirically-minded commitment of the present inquiry, and the long history of wrestling with excuses that the courts have, I am inclined to stick with the court's opinion on this matter.

Of contemporary theorists, Philip Pettit's position has the most in common with the present neo-Strawsonian account of being responsible. As we have seen, Pettit addresses freedom in terms of fitness to be held responsible. He eventually explains this in terms of discursive control. Discursive control has two aspects, one individualistically individuated, the other contextually individuated: 'People enjoy freedom as discursive control so far as they have the ratiocinative capacity to enter discourse and so far as they have the relational capacity that goes with having only discourse-friendly linkages with others.'¹⁵⁴ Since, for Pettit, being free, and hence responsible, is ineliminably relational, it is not amenable to a purely individualistic interpretation. However, Pettit curtails the contextuality of this position in dramatic ways, and it is worth wondering whether they are merited. For example, Pettit claims that it is the concept of freedom that is perspective-dependent. The property of being free, and hence of being responsible, is not perspective-dependent.¹⁵⁵ If

¹⁵³ Wallace, *Responsibility and the Moral Sentiments*, p. 127.

¹⁵⁴ Pettit, *A Theory of Freedom*, p. 103.

¹⁵⁵ Pettit, *A Theory of Freedom*, p. 28.

'perspective' is taken, as I have taken Strawson's remarks about the participant perspective, as equivalent to 'context', then, on Pettit's view, being responsible is not contextually individuated. By contrast, the position defended here clearly makes being responsible itself context-dependent.

It is not entirely clear to me why Pettit curtails the externalism of his position, but I suspect it is because he mainly assumes individualism. This is illustrated in Pettit's discussion of a 'conundrum' that supposedly comes with the conceptualization of freedom as fitness to be held responsible. The conundrum is generated by the purported recursive nature of responsibility:

Suppose that I am responsible for an action. Presumably this will be so because that action is under the control of some other factor in me: say, my particular beliefs and desires. The recursive character of responsibility appears in the fact that, by ordinary intuitions, this means that I must be responsible in turn for those beliefs and desires. . . . But if I am responsible for the beliefs and desires that are in control of the action, then presumably I am responsible for them in virtue of their being under the control of some further factor still in my make-up: say, my habits of forming and revising beliefs and desires. . . . And so on, it appears, indefinitely. (2001, 10-11).¹⁵⁶

There are two things to note about this passage. The first, of course, is the assumption of individualism. To assume that one is responsible because of the ability to control something is to recast a widely individuated competence in a one-to-one fashion with an individualistically individuated ability. But we have seen reason to think that competences do not necessarily entail abilities in this fashion.

Second, the purported conundrum is independently dubious. Consider examples where responsibility and control come apart:

- a) First, an institutional example: A CEO is responsible for the activities of his/her corporation. However, these activities might well be produced through processes over which the CEO has, in some sense at least, no control. For instance, these activities might be produced through processes that are themselves generated by decisions that institutional subordinates have the authority to make themselves. Such decisions are out of the CEO's control, yet s/he is responsible for the activities of the corporation.
- b) Consider a biological example. The neural (and other) processes that, in some sense, control, e.g., the trajectory of my hand as I plunge a knife into my victim are out of my control, in that I play no direct role in these biological workings. Yet the suggestion that this might relieve me of responsibility for killing my victim is not even remotely tempting.

Given all of the above, we have reason to resist Pettit's explanation of freedom and moral responsibility.¹⁵⁷

¹⁵⁶ Incidentally, this passage has the nice feature of being equally amenable to strong and weak productionist interpretations.

¹⁵⁷ Pettit's reasoning is also similar to anti-infinite regress reasoning that characterizes arguments for basic actions. This sort of argument is one of the topics of the critical attention in Chapter Six.

5. CONCLUDING REFLECTIONS

Perhaps it is too strong to claim to have shown in this chapter that moral responsibility does not have causal criteria. However, I have provided a wealth of reasons to think that it does not need such criteria. These reasons also show that, contrary to the best contemporary accounts of the matter, our assumption (if we must make one at the beginning of inquiry) should be that moral responsibility likely does not have causal criteria. The arguments of Prichard and Strawson in support of the positive autonomy of the moral domain go a long way towards making these points. The methodological problems with extant accounts of moral responsibility with regard to defenses of individualism coupled with the conceptual viability of a neo-Strawsonian account of being responsible provide the rest of the case for externalism about moral responsibility. Add to these considerations those about legal responsibility and causal criteria, and we have, overall, good reason to think that the balance of reasons lies with the externalist.

On the other hand, I hope to have given the impression that weak productionism is the strongest variety. I will reinforce this impression in Chapter Nine. Since no knockdown arguments for ascriptivism have been presented, no knockdown arguments against weak productionism have been presented. This is especially the case since the causal notions I have deployed in the examinations of legal and moral responsibility have been a bit abstract. Overall, the discussions in Chapters Four and Five present weak causal criteria as a much more likely account of responsibility than strong causal criteria.

To repeat a bit: on the neo-Strawsonian account of moral responsibility presented here, to be responsible is to be an apt candidate for deployment of the reactive attitudes. So, being responsible is a status that a person has that is dependent on our practices of holding people responsible. The criterion for being an apt candidate for deployment of the reactive attitudes is demonstration of competence in the social practices of holding people morally responsible. This is an externalist and pragmatic account of being morally responsible. It is externalist in that attention is directed not to facts about an individual alone but to facts about how the individual fits into certain contexts to determine whether the individual is morally responsible. This is in explicit contrast with the accounts of responsibility devised by Wallace, Kennett, and Fischer & Ravizza (Chapter Nine), which, to greater or lesser degree, pursue an individualistic and brutally metaphysical strategy. These thinkers take demonstration of social competence as *evidence* of the abilities that really ground moral responsibility. By contrast, the present position takes demonstration of social competence as directly criterial of being morally responsible.¹⁵⁸ This should not be surprising. Consider: our practices of ascribing moral responsibility are, first and foremost, for regulating interpersonal behavior. They are not primarily for assessing character. Interpersonal behavior is public behavior; hence perhaps the primary

¹⁵⁸ Compare the following, overlooked remark from Dennett: 'The effect of such an institution, with such a rationale, is to create—to *constitute*—a class of legally culpable agents whose subsequent liability to punishment maintains the credibility of the sanctions of the laws.' [original emphasis] (*Elbow Room*, p. 162).

function of our practices of attributing moral responsibility is public. It should not be surprising to learn that the criteria of the concepts used in such practices are also largely and primarily public.

To put the same point in another way: perhaps psychological phenomena do indeed make being morally responsible (and, by extension, action) possible. Certainly, some causal processes produce the relevant behavior, whenever they happen. But this by itself does not entail that the psychological phenomena are criterial of moral responsibility (or action). Indeed, we have seen good reasons, from Prichard and Strawson (and Hart and myself) to think that causal notions are not criterial of moral responsibility (nor of action). In part, whether the psychological can serve as criteria of the public may depend on the sort of epistemic access to the psychological. I am inclined to think that we have complicated, typically indirect access to the mental states of both others and ourselves. It would be much more likely that the psychological would be criterial of the public and social if we had direct, uncomplicated, independent access to the mental. I take it to be uncontroversial that we do not have such an epistemic perspective on the mental workings of ourselves, never mind others. This is especially the case in ordinary interpersonal contexts where resources explicitly designed for testing hypotheses about the mental are unavailable. Instead, we judge the adequacy of claims about the mental against a background of public evidence, especially patterns of behavior. Seen this way, it is most natural to think that the criteria of the public, interpersonal concepts and phenomena that constitute the moral domain are themselves public and interpersonal. Individualistic productionism loses in this examination of responsibility.

So, the present position denies neither:

- a) that competences are brought about by agents somehow; nor
- b) that we can investigate psychological functioning.

Instead, the present position denies just that the criteria of being responsible, and of other moral notions, are individualistically causal and/or psychological. This holds even though, *pace* Strawson and Prichard, people learn. The conceptual horizon of our practices, and the concepts deployed within them, changes as we learn. As already noted, the moral domain is not absolutely isolated from other domains. The results of inquiry in other domains get absorbed into the participatory perspective. As a result of such education, people operating within the participatory perspective deploy the concepts whose origin is a more objective perspective to interpret each other. Consider, as an example, the way Freudian and psychoanalytic notions came to be part of our everyday way of seeing each other. Despite the porous border between perspectives, the criteria of moral terms will, I think, still be overwhelmingly contextual. This is due to, as already noted:

- 1. the purpose(s) of the moral domain, and
- 2. the lack of resources lay people have for, e.g., principled psychological investigation.

Moreover, we should not take the deployment of objective terms in lay contexts at face value. Even when objective, individualistically individuated psychological notions find their way into the participatory perspective, their everyday use is not necessarily accurate. These notions can mislead in at least the following two ways. First, they may be misused by the standards of application of their origin in some sort of principled inquiry. Second, they may not be an accurate reflection of actual practice. It is by now commonplace that psychologists, with principled methods of investigation, can reveal facts about an agent's psychology, motivation, cognitive functioning, *etc.*, that are unavailable to, and hence unknown by, the agent him/herself. The mere deployment of new notions does not change this fact. When objective, psychological notions have their origin closely tied to such principled forms of inquiry, we have very good reason to think that they are not being used in the same way when they appear in lay contexts. Instead, we have very good reason to seek public, interpersonal criteria even for these notions when deployed within the moral domain.

Wallace notes approvingly that Susan Wolf has remarked that there is a certain depth to our ascriptions of moral responsibility that goes beyond both our identification of a person as beginning a causal chain that resulted in the behavior in question and our assessment of the moral worth of the behavior.¹⁵⁹ Wallace attempts to account for such depth in terms of assessment and appreciation of agents' rational powers of reflection and action in accordance with reflection. Kennett and Fischer & Ravizza offer similar individualistic features to ground moral responsibility, so it is fair to see their positions as explicating such depth in similar ways. By contrast, the neo-Strawsonian position developed here implicitly suggests another way to account for this aspect of attributions of moral responsibility. Besides causal contribution and the worth of the behavior, ascriptions of moral responsibility either implicitly or explicitly relate a person to his/her social context. They serve to highlight a status an agent has by virtue of taking part of certain interpersonal practices. The metaphor of 'depth' suggests that we should look more closely into the person, underneath the skin as it were, but we should always be careful about how literally we interpret metaphors. Metaphors of 'range' or 'focus' might dissuade theorists from hastily assuming an individualist interpretation.

There is one last criticism of the neo-Strawsonian position to consider. By itself it is not terribly striking, but it serves to introduce important concluding matters. Fischer and Ravizza worry about the close connection between being responsible and being held responsible in Strawson's position. They object that sometimes people who are not responsible are held responsible for behavior;¹⁶⁰ theories of responsibility need to respect and make sense of this distinction. The distinction, they think, must be made in terms of matters external to the participant perspective. If this is true, then Strawson's position is ill-positioned to address it. However, a neo-Strawsonian need not worry about this objection. There is lots of room in such a position to account for, e.g., being held responsible for behavior that one did not

¹⁵⁹ Wallace, *Responsibility and the Moral Sentiments*, p. 52. Susan Wolf, *Freedom Within Reason*. (New York, 1990), p. 41.

¹⁶⁰ Fischer & Ravizza, *Perspectives on Moral Responsibility*, p. 18.

produce, or for which someone else is institutionally responsible, *etc.* Generally, lots of publicly observable information could serve as excuses that show that one should not be held responsible for *x* because they are not actually responsible for *x*. As for being responsible, again, if one has not demonstrated competence in the social practices that are constituted by the deployment of the reactive attitudes, then one is not responsible, but such a person could clearly be mistakenly held responsible.

This issue reminds us that, on a Strawsonian sort of view, moral reasons are most naturally at home, and perhaps solely at home, within discursive practices of exchanging reasons. This gives us an opportunity to address some last, lingering productionist intuitions.¹⁶¹ Surely it still makes sense somehow, one might think, to explicate that some behavior of mine is an action *because* I produced it in a certain way. Well, consider two answers to the question, ‘Why did you do *x*?’:

1. Because I wanted *a* and I believed performing *x* would attain *a*.
2. Bad luck—I slipped and couldn’t help doing *x*.

The first answer rationalizes the performance. The second cites a cause that replaces the need for a rationalizing answer. Both rationalizing and causal answers are appropriate for such ‘why’ questions. However, the legitimacy of explicitly causal answers in this role (even coupled with the fact that the performance cited in (1) is accomplished through *some* causal chain or other) does not entail that a successful rationalizing answer must have causal criteria. The reason is that, within the participatory perspective where such exchanges of reasons are at home, the two answers serve different functions. The causal answer works like an excuse, whereas the rationalizing answer does not, at least in this case. Answers of type (1) license the deployment of the reactive attitudes; type (2) answers call for their suspension. Within the participatory perspective, causal notions are often beside the point. Since the purposes of this perspective are interpersonal and normative, the sort of notions and phenomena most likely to be criterial of the notions and phenomena characteristic of this perspective are also interpersonal and normative. Causal notions are just poor candidates, by such standards. In short, the intuition is correct so long as it is confined to reflections about the production of actions. The intuition misleads if one infers from it that what is produced in a given way is what it is because of the way it was produced.

One implication of the above reflections is that I am not committed to the idea that reasons must be causes. I am inclined to be a pluralist on this matter: reasons can be causes, but they need not be, and other, non-rational phenomena can be causes of actions. This is very much like the position we will see from Harry Frankfurt in Chapter Seven. Crucially, the currently received opinion is that naturalists need not think that reasons are causes. For example, Andy Clark and Ruth

¹⁶¹ Such intuitions, now divorced from the principled positions we have been examining, carry little actual weight, but it is useful, and I think charitable, to examine them one last time.

Garrett Millikan both reject the idea that reasons are causes.¹⁶² The present reason for thinking this is, however, not naturalistic but instead derives from reflection about the natural home of reasons—within the participant perspective and not an abstracted, objective one that is the natural home of causal notions.

I presented a neo-ascriptivist answer to the status question in Chapters Two and Three: a type necessary condition of an event counting as an action is the possibility of attributing moral responsibility to an agent for that event. We now see that to be morally responsible is for an agent to have assumed a certain social status through participation in the practices that define that status. Looking back at action: an action is an event with a corresponding social status. Given the recent history of accounts of the status issue, this is a radical position. Neo-ascriptivism is clearly externalist: attention is directed away from the agent, individualistically construed, to the place of the agent and his/her behavior within certain social practices. Looking ahead to the concerns of the next two chapters, the position is also non-foundationalist. Actions are not divided into normal actions and special ones that vouchsafe the actionhood of the normal ones. With regard to the actionmaking function of our practices of attributing moral responsibility, there are just actions. I will have a little to say about different sorts of actions in Chapter Ten. As things stand, I hope to have presented a strong case for taking neo-ascriptivism seriously as a non-productionistic alternative on the status question.

¹⁶² 1] Andy Clark, *Microcognition: Philosophy, Cognitive Science, and Parallel Distributed Processing* (Cambridge, Massachusetts, 1989). 2] Ruth Garrett Millikan, 'Explanation in Biopsychology', in John Heil, & Alfred Mele (eds.), *Mental Causation*. (Oxford, 1993).

CHAPTER 6

FOUNDATIONALISM AND THE PRODUCTION QUESTION

1.INTRODUCTION

My overall topic is the status question, but now that I am turning to productionism I am starting with the production question. The reason is that I am assessing accounts of the status question put explicitly in terms of the production of actions. To get a grip on productionist treatments of the status question, I must first get a handle on at least some aspect of accounts of the production question.

There is another reason to do this. One way error might enter a productionistic answer to the status question is through an error in an account of the production of actions. Hence, if we can find a serious problem with these latter answers, we consequently have a specific problem to trace in at least some forms of productionism.

2.BASIC ACTIONS

There is a vaguely discerned distinction at the heart of action theory. It is put in a variety of ways, such as these:

- a) Some actions are mediated, some are unmediated.¹⁶³
- b) Some actions can be done directly, some cannot.¹⁶⁴
- c) Some actions are done at will, some are not.¹⁶⁵
- d) Some actions are done through others, some are not.¹⁶⁶
- e) Some actions are done by doing others, some are not.¹⁶⁷

These are very vague distinctions. Can I kick a ball at will? In what way is my writing of this sentence mediated? Is my opening of a car door direct or indirect? In

¹⁶³ Arthur C. Danto: 1] *Analytical Philosophy of Action* (Cambridge, 1973). 2] 'Basic Actions and Basic Concepts'. *Review of Metaphysics* 32, no. 3, (March 1979), pp. 471-85. Reprinted in *The Body/Body Problem: Selected Essays* (Berkeley, 1999).

¹⁶⁴ Bishop, *Natural Agency*; H.A. Prichard, 'Duty and Ignorance of Fact', in *Moral Obligation* (Oxford, 1949).

¹⁶⁵ Alfred Mele, *Autonomous Agents: From Self-Control to Autonomy* (Oxford, 1995).

¹⁶⁶ Danto, *Analytical Philosophy of Action* and 'Basic Actions and Basic Concepts'.

¹⁶⁷ Alvin I. Goldman, *A Theory of Human Action*. (Englewood Cliffs, New Jersey, 1970).

what sense do I scratch my ear through some other action? In what way do I accomplish picking a book up off a shelf by doing something else? Picking up a book in this way seems quite direct. 'At will', in common parlance, is ambiguous: it can mean without effort (he can wiggle his ears at will) or without obstacle (Since I have a wine cellar, I can have wine at will—there's no barrier).

Given the vagueness here, one might be surprised to learn that this distinction does a fair bit of work in the philosophy of action. This is especially true of causalism (broadly taken), which many people (including myself¹⁶⁸) hold to be plausible, at least in limited respects. The unmediated, direct, at-will, not-through-others actions are popularly called 'basic' (Donald Davidson is alone in calling them primitive). We can easily see this idea at work in the two main kinds of causalist action theory:

1. Donald Davidson kicked off contemporary interest in causalism with the classic 'Actions, Reasons, and Causes'. Davidson's stream of action theory is extensionalist. Actions are events suitably described. Different descriptions can pick out the same action. In 'Agency', Davidson argues that the only real actions are primitive (basic) ones, understood to be bodily movements. In more Davidsonian terms, all actions have a basic action description. This implies that, for some event to be an action, it has to be suitably related to a primitive action. Despite the fact that she is a volitionist, Jennifer Hornsby's *Actions* continues in this vein, and gives basic actions a fundamental role.
2. Alvin Goldman has given rise to an intensionalist stream of action theory: different descriptions of action pick out different act-properties, hence different actions. Goldman argues that we can represent actions in action trees that schematize variously related higher and lower levels of actions. These trees analyze the relationships between various levels of actions and simultaneously represent the beliefs of the agent with regard to performing the actions thus analyzed. The lowest level consists of the basic actions. Hence all actions have their roots in basic ones. John Bishop has done important work in this stream of the philosophy of action and makes extensive use of the notion of basic actions. Bishop helps himself to the distinction between basic and nonbasic actions without argument.¹⁶⁹ His project is to provide a causal definition of action; his final answer is a definition of basic actions.¹⁷⁰ This will work only if all actions either are or involve basic actions. We will see how this idea shows up in the work of other theorists.

This idea shows up less rigorously in other places. Here is an example: Alfred Mele uses the distinction just once in a recent book, but he clearly thinks it is robust: '... the ability to do *A* intentionally has a *representational* dimension. In the case of action types that are not 'basic' for an agent, an agent incapable of *conceiving* of any

¹⁶⁸ Andrew Sneddon, 'Considering Causalisms' *Dialogue: Canadian Philosophical Review*, Vol. XL, no. 2 (2001), pp. 343-66.

¹⁶⁹ Bishop, *Natural Agency*, p. 128.

¹⁷⁰ Bishop, *Natural Agency*, p. 172.

means to *A*-ing is not able to *A* intentionally. . . . Agents for whom something *is* a basic action-type can perform tokens of that type “at will”.¹⁷¹ Since this is the only use Mele makes of this terminology, it is clear that he does not provide an argument for it (nor does he cite one elsewhere). His scare quotes indicate a degree of vagueness that we should take seriously: the scare quotes should indeed scare us.

Given the vagueness of the distinction from which the idea of basic actions stems, one thing about this topic is clear: the existence of basic actions has to be established. It is not a brute, self-evident datum. Arguments are needed. Arthur Danto is clear about this; he notes that basic actions are very difficult to talk about outside of the context of the complex actions of which they are supposed to be a part. Once he thought little of this, but he has come to think that it casts doubt on the philosophical importance of the idea of basic actions. At the very least, he thinks that basic actions are not what theorists once thought they were.¹⁷² Those, such as Mele, who rely on the concept are either ignoring their philosophical responsibility or they think that the arguments for their existence have been presented elsewhere by others or they think (implausibly, in my view) that the concept is self-evident.

There is, however, substantial disagreement about the status of basic actions. The results of the direct attention given to them have been inconclusive. Arthur Danto started the ball rolling, but he has changed his mind about the idea’s importance. By contrast, Jennifer Hornsby has identified several sorts of basic actions and put a couple of them to central use in her influential account of actions. The safest assumption, although one not universally shared, is that if there are basic actions, then they come in great variety and differ amongst people. Hence there seems to be no fixed class of basic actions (although bodily movements regularly tempt action theorists,¹⁷³ such as Danto at one point and Donald Davidson). Daniel Dennett has noted that such vagaries make the concept unfit for foundational use.¹⁷⁴ Although there is token agreement about this point, people go on to make foundational use of basic actions anyway. Even though many agree there is no fixed class of basic actions, they still think that, for any event to be an action of any kind, it must be rooted in, stem from, be founded on basic actions somehow.

Dennett’s anti-foundationalism warning has not been taken seriously enough. Neither has Danto’s subsequent work calling into question the philosophical importance of the notion of basic actions. To drive this home, I will first examine the role of basic actions in mainstream philosophy of action. Then I will examine the arguments presented for basic actions by three important theorists. The cases examined will be:

1. Danto’s, because he started this train of thought, and retains allegiance to the argument even though he has given up on the importance of basic actions.
2. Davidson’s, because his position has been so influential.

¹⁷¹ Mele, *Autonomous Agents*, p. 149.

¹⁷² Danto, ‘Basic Actions and Basic Concepts’, pp. 47-9.

¹⁷³ The tendency to see bodily movements as specially basic is Annette Baier’s starting point in her important but overlooked 1971 paper.

¹⁷⁴ Dennett, *Elbow Room*, p. 111.

3. Hornsby's, partly because she dedicates a lot of time to examining different sorts of basic actions and accords them a fundamental role in her theory, and partly because her strategy is genuinely informative.¹⁷⁵

These arguments fail to do their job. I shall conclude by suggesting another way to interpret the observations that drive interest in basic actions and by making brief suggestions about adjusting the philosophy of action to continue without basic actions.¹⁷⁶

3. THE ROLE OF BASIC ACTIONS IN MAINSTREAM PHILOSOPHY OF ACTION

In one way or another, mainstream philosophy of action develops the idea that action is intentional behavior. The next three chapters explore some of the ways this has been done. Under the auspices of developing the idea that action is intentional behavior, basic actions play a very important role in answering a key question. Looking at the general treatment of this question makes explicit an operative assumption of mainstream philosophy of action. The question is 'How are normal, complex actions produced?'. This is what I have called the *production* question. 'Normal, complex' actions are the everyday actions we see around us and with which inquiry into action usually begins: e.g., buying a newspaper, crossing the street, *etc.* Many mainstream action theorists, especially causalists, i.e., strong productionists, seize upon the complexity of such actions and infer that we need a different sort of action upon which to build such complex ones. Basic actions are brought in to fill this role. For example, Danto begins *Analytic Philosophy of Action* with a chapter devoted to providing an analysis of normal, complex actions, then he spends the next few chapters discussing basic actions as a result of his earlier work. The various ways of speaking of basic actions with which I began this chapter are different but related ways of taking the first step towards articulating this idea. Complex actions are purportedly produced through other sorts of action that we do, e.g., directly or at will. In short, much contemporary action theory divides actions into two kinds—normal ones and basic ones.

There are two things of note about basic actions in this role. First, while the normal, complex actions are familiar and the appropriate data with which to begin

¹⁷⁵ These theorists have been chosen as the most important proponents of basic actions. Extensionalist action theory is represented here much more than intensionalism. Intensionalists have not paid much attention to the need to argue for basic actions. The closest we get is the following from Alvin Goldman: '... I am inclined to think that some of our actions are basic actions and that other actions of ours are not basic actions. Moving my hand is a basic action, whereas checkmating my opponent and turning on the light are not basic actions. Rather, they are actions I perform *by* performing some basic actions.' [Goldman's emphasis] (*A Theory of Human Action*, p. 6). This sort of consideration is addressed below.

¹⁷⁶ In 'The Search for Basic Actions' (*American Philosophical Quarterly*, Vol. 8, No. 2 (April 1971), pp. 161-170), Annette Baier examines the arguments put forward by Roderick Chisholm and the even earlier Danto. The present project criticizes different arguments, and hence does not risk repeating what I take to be Baier's effective line of argument.

inquiry, reference to basic actions is driven by theoretical interests. The epistemic status of these two sorts of actions differs. Basic actions are not obvious data; rather, they have the status of a theoretical posit, and our conviction in their existence is only as good as our conviction in the strength of the theory of which they are a part.¹⁷⁷ Whereas the breakdown of a particular theory of action would not be reason for us to doubt that we do indeed encounter such actions as buyings of newspapers, such theoretical failure would be reason for us to doubt the existence of basic actions as a special kind of action.

Second, basic actions play a *foundational* role in mainstream philosophy of action. Most familiar from epistemology, foundationalism is a structural feature of theories/explanations that consists in the division of entities into two classes, one of which is a special class that somehow supports or grounds or makes possible the other. The non-special class typically consists of familiar, normal entities. Basic actions constitute such a special class of actions: they are a kind of action different from the normal ones we observe unproblematically, and they serve as a basis on which we can, from a theoretical perspective, build these normal actions. Any philosophy of action that divides actions into normal, non-basic ones and special, basic ones exhibits the structure characteristic of foundationalism in general. The principal theorists in this vein are quite open about the foundationalist role of basic actions. Danto's work is a good example of this stance. Besides being done through them, he identifies other ways actions are related to basic ones. Some complex actions are mere aggregates of basic actions that are not causally related. His example is a dance. Other actions—e.g., gestures—are basic actions performed in accordance with a rule. Summarizing his discussion of these kinds, he says, ' . . . there are neither composite actions . . . nor gestures . . . unless there are basic actions. For these have basic actions . . . as components.'¹⁷⁸ This holds for mediated actions as well. Wherever there are actions, on Danto's view, there must be at least basic ones. They are actions *sine qua non*.

The work of Davidson and Hornsby is no less foundationalist. As we shall see, Davidson thinks the only 'real' actions are 'primitive' ones: ' . . . our primitive actions, the ones we do not do by doing something else, mere movements of our body—these are all the actions there are.'¹⁷⁹ Normal, complex actions are built on this basis via causal relations that license more involved ways of describing the basic actions. Hornsby is very explicit about the foundational role of basic actions in her work. Commenting on Danto, she approvingly notes, 'If only the basicness of something will legitimate an action as an action, we need to establish that every action . . . has its own basic description or property.'¹⁸⁰ All three theorists share the idea that wherever there are normal actions, there are also others of a special kind that make these complex ones possible.

¹⁷⁷ Danto once thought there were epistemological constraints on basic actions, but he has given that idea up ('Basic Actions and Basic Concepts', p. 47) for a position akin to the one developed in this chapter.

¹⁷⁸ Danto, *Analytic Philosophy of Action*, p. 30.

¹⁷⁹ Davidson, 'Agency', p. 59.

¹⁸⁰ Jennifer Hornsby, *Actions* (London, 1980), p. 69.

The passage from Hornsby brings up a second philosophical question about action. It is, ‘On what grounds do the events that seem to be actions count as actions?’ This is what I have called the *status* question. Often, basic actions have a special role in the answers given to this question; Hornsby’s remarks hint at this role. We shall be examining the production issue throughout this chapter, but I shall suggest that, occasionally, interest in the status question leads theorists to adopt poor answers to the production question.

4. THE CASE FOR BASIC ACTIONS

Danto says that the case for basic actions rests on an observation and an argument. We have seen the observation in several forms—it is that actions seem to come in a variety of forms: mediated/unmediated, direct/indirect, at will/not at will. The argument is an anti-infinite regress strategy: not all actions can be, e.g., mediated; there must be some unmediated ones. Hence, basic actions are trotted in to fill this role. The arguments for basic actions offered by Danto, Davidson, and Hornsby differ, yet they all are versions of this two-pronged strategy. Examining the particular cases offered by these three theorists will hence give us a good idea of the strength of this pattern in general.

4.1 Arthur Danto

In *Analytical Philosophy of Action*,¹⁸¹ Danto offers the following characterization of the observation driving interest in basic actions: ‘The class of actions . . . logically surveyed in Chapter I [was that] in which a man does . . . something *through* some other thing that he does . . . and hence actions . . . *contain*, as it were, other actions . . . as components. Actions . . . thus characterized I shall designate as *mediated*.’¹⁸² In later work, after he has changed his mind about the importance of the concept of basic actions, Danto characterizes the case for them in roughly the same way: ‘The concept of *basic action* rests upon a not especially controversial observation and a standard sort of philosophical argument. The *observation* is that there occur a great many actions in which what is said to be done—say, *a*—is not done directly but rather through the agent doing something *b*, distinct from *a*, that causes *a* to happen.’¹⁸³ The language of mediation, and the assertion that the mediating action is a component of the mediated one, has disappeared, but not for long.

Continuing with the thought just begun, Danto characterizes the argument for basic actions in the following way:

¹⁸¹ Danto did earlier work on basic actions, but changed his mind substantially, so I will follow his lead and attend only to the mature account in this book, plus his later more deflationary account.

¹⁸² Danto, *Analytic Philosophy of Action*, p. 28. Danto is concerned to illustrate some parallels between actions and perceptions. My editorial subtraction removes mention of cognitions, nothing to do with actions. I will continue with this editorial strategy when discussing *Analytical Philosophy of Action*.

¹⁸³ Danto, ‘Basic Actions and Basic Concepts’, p. 45.

The *argument* is that on penalty by infinite regression, not all actions can be nonbasic on those observed. If as part of doing *a* I must do *b*, as part of doing *b* I must do *c* . . . , and this is perfectly general, it follows that there can be no actions performed at all. This is not because one cannot perform an infinite number of actions in a finite time, but because the regression puts the beginning of any series logically out of reach. So if there are nonbasic actions, there must be actions in which the agent acts directly—where, in order to do *a*, there is nothing *x* such that *x* causes *a* and the agent does *x*. These are *basic* actions.¹⁸⁴

The argument is to the effect that the need for basic actions is logical—given a certain sort of action that we all recognize, we are supposedly forced by logical necessity to recognize the existence of a less obvious sort of action, the basic ones. This case has not changed since the earlier expression of the case for basic actions: ‘If, in each case in which I do something, I must do something else *through* which the first thing is done, then nothing could be done at all. . . . an infinite regression is generated—and a vicious one . . . one could not enter the chain of actions . . .’¹⁸⁵

Danto’s most explicit expression of the relationship between basic and nonbasic actions is this: ‘It is the mark of a mediated action *mDa* that there be an event *b*, distinct from *a*; that *b* itself be done by *m*; that *a* happen because *b* happens; and that the doing of *b* by *m* be a component of *mDa*.’¹⁸⁶ The most notable additional feature of this explication of the relationship is the causal relationship—beyond being a part of *a*, *b* causes *a*.¹⁸⁷ We will leave discussion of the causal interpretation of this relationship until the next section because this is very important to Davidson’s treatment of this matter.

How strong is Danto’s twofold case for the need for basic actions? Let’s start with the observation. It consists of two parts: that some actions are done through others, and, correlatively, that the actions such actions are done through are parts or components of the more complex action. Danto remarks that this is not a controversial observation, and he is right. Many actions are evidently complex: we can identify parts of them. There is little reason to think that the common action of, e.g., buying a newspaper is an unanalyzable individual event. It is of the utmost importance, as we shall see, that the case for basic actions starts with such events as these. By far the vast majority of paradigmatic examples of actions are like this.

What does this observation tell us about the nature of the actions through which the more complex actions are done? In what sense are they basic? It tells us very little. As Danto later realized, this observation lays the groundwork for identifying basic actions by subtracting from the normal actions in which they occur.¹⁸⁸ This seems to make the concept of basic actions dependent on our notion of normal actions. One implication of this is that it works against making basic actions fit for the foundational use discussed above. More generally, we can note that the observation identifies actions that are only relatively basic. Jennifer Hornsby speaks of actions being more and less basic (see below for discussion); this way of speaking

¹⁸⁴ Danto, ‘Basic Actions and Basic Concepts’, p. 46.

¹⁸⁵ Danto, *Analytic Philosophy of Action*, p. 28.

¹⁸⁶ Danto, *Analytic Philosophy of Action*, p. 28.

¹⁸⁷ See also Danto, ‘Basic Actions and Basic Concepts’, p. 45.

¹⁸⁸ Danto, ‘Basic Actions and Basic Concepts’, p. 51.

seems fit for Danto's observation. An action that is more basic is not necessarily basic in a special sense—it merely helps to produce the less basic action. The observation alone provides no grounds on which to divide actions into, e.g., direct and indirect ones, or ones done at will and others done otherwise.

The anti-infinite regress case is *prima facie* a more serious consideration than the observation. (It is, after all, an argument.) We will not be able to assess the whole anti-infinite regress strategy until we have our considerations of the positions of Hornsby and Davidson before us as well. Does Danto's infinite regress argument give us grounds to see the so-called basic actions as basic in a special, foundational sense? No—this sort of consideration shows the need only for actions not done through other actions, not for a special sort of action. Danto claims that the infinite regress argument shows a need for actions that are done directly. So it does, but one must be careful not to make too much of this point. In particular, one must be sure not to mistake this result for the idea that the anti-infinite regress considerations show that we must recognize a special category of actions. To say that we must countenance actions done directly means that we need actions done in a certain way, not actions of a certain kind. I shall later argue that any action could meet this specification: any action could be done directly, in the sense of not being done through other actions. For now, we can at least recognize that this idea is consistent with the anti-infinite regress considerations currently before us.

The foundational use to which basic actions are put in typical philosophy of action requires a special kind of action. Danto's considerations do not establish the need for this special category of actions, yet at one time he used basic actions in this foundational sense. What might account for this mistake? It is fair to think the reasons are complex, but let me suggest that an important reason is the conflation of status issues with production issues. For example, Danto claims that he once thought there were cognitive constraints on which actions could be basic.¹⁸⁹ He thought that we had a special sort of knowledge about, e.g., the actions that we could do directly, and moreover that this special epistemological relationship partly constituted these actions as basic. He has given these ideas up, due in no small part to paying closer attention to the physiology of behavior and the sort of epistemic access we have to the way our actions are produced.¹⁹⁰ If we combine this earlier phenomenological conviction that there is a special sort of action with the observation and argument we have been examining about the production of actions, then it is not difficult to end up with the view that there are two different kinds of actions, rather than merely that actions are done in different ways.

The conflation of status and production issues can be further untangled here. Action theorists are legitimately concerned with status issues. Moreover, regular actions appear to call out for confirmation *qua* action. The intuition is that some sorts of actions—the complex ones that we recognize all around us—need to have their status as actions conferred upon them by something else. Part of the search for an 'actionmaker' for these regular actions has taken the form of a search for actions that are different from these complex ones. Strictly speaking, mental states are

¹⁸⁹ Danto, 'Basic Actions and Basic Concepts', p. 47.

¹⁹⁰ Danto, 'Basic Actions and Basic Concepts', pp. 47-9.

treated as actionmakers in traditional philosophy of action: basic actions, along with complex ones, need legitimation as actions from another source. However, in the hands of Danto and others, basic actions serve as a special actionmaking bridge between mental states and complex actions.¹⁹¹ Insofar as the infinite regress strategy fits complex actions, it points the way towards basic actions as having an actionmaking role different from that of normal, complex actions (recall Hornsby's approving remark about Danto on basic actions legitimating other actions as actions).

Let's look at Danto's anti-infinite regress case in this light. Danto's case is a combination of two infinite regress claims working together that can be usefully disentangled. The most natural way of seeing Danto's argument is in terms of the production or composition of actions. Let's call this the *production* argument; here is a reconstruction:

1. *Production Argument*: Complex actions are mediated by, or done through, others. For there to be the complex actions that are obvious to us all, there is a logical need that some actions be done not through the doing of others, but in an unmediated way.

Danto's insistence that, without basic actions, we could not begin the chain of actions, licenses interpreting him as making a production claim. As we have seen, this is best taken as showing a need for actions that are done in a particular way—i.e., not through other doings—and not for a special category of actions. Other things Danto says suggest that he is also interested in another kind of infinite regress. Let's call this the *status* argument; here is a reconstruction divorced from claims about production:

2. *Status argument*: ordinary complex actions are not self-legitimizing as actions. That is, these events can occur in roughly the same way, but not be actions.¹⁹² This means that we have to account for their status as actions through appeal to something else. We have to locate actionmaking properties to be sure that events that seem like actions in fact are actions. The 'things' we appeal to as actionmakers must stand in no need of further legitimation of their status. Otherwise we would have an infinite regress of legitimation that would cast the status of all seeming actions in question.

The call for actionmaking properties is a legitimate request. By itself, however, this logical need does not indicate that the actionmakers must themselves be actions

¹⁹¹ See Chapter Seven for a discussion of Bishop and Brand as exemplars of this approach to the status question.

¹⁹² This intuition is developed in various ways in the action literature. For causalists of a certain persuasion, the suggestion is that events that seem like actions are in fact not actions because they have been produced in the wrong way: e.g., the 'action' is in fact severed from the mental states that would normally constitute it as an action, and its most germane causes are something else. Another possibility is that the right mental states cause the 'action', but not in the way they would have to cause it for it to be an action. We do not need to examine these cases.

of some sort. A clearly bad status argument would imply that we needed self-legitimizing actions to stop the regress. This would be bad because it would merely beg the question: actionhood would be merely assumed, not explained. A minimally better position would hold that this logical need indicates that the account of the legitimation of a complex action as an action must contain reference to other actions of any kind. This risks question-begging again, since actions would be more covertly involved than in the previous version. The production version adds nothing to this case: noting that because some actions are done through others, there must be actions not done through others as well, indicates nothing about what legitimates event as actions. Hence no such logical necessity has been demonstrated. On its most obvious interpretation, Danto's case does not establish a need for basic actions.

One might think that something has been left out. The original observations were that mediated actions are done *through* unmediated actions, that some actions are done *directly*. Has this feature been accounted for in the discussion of the arguments and the stated relationship, or has it somehow been left out? A quick answer would be that there is not much reason to think it amounts to anything at all if it cannot be captured by scrutinizing either the purported relationship between basic and nonbasic actions or the supposed case for the need for basic actions. A more charitable answer allows that perhaps reflection on the phenomenology of action suggests something like this is the case. However, this is flimsy evidence: if there is a possible way of interpreting these observations that does not involve basic actions, it is to be preferred on the basis of simplicity. I will return to this issue in the final section.

4.2 Donald Davidson

Davidson discusses the relationship between 'primitive' (his term) actions and non-primitive ones in 'Agency'. Davidson is more explicit about the role of causation than Danto; 'Not every event we attribute to an agent can be explained as caused by another event of which he is agent: some acts must be primitive in the sense that they cannot be analyzed in terms of their causal relations to acts of the same agent.'¹⁹³ Following Danto, this can be seen to be an implicit appeal to an anti-infinite regress strategy: I take the 'must' to have the logical force Danto tries to capture explicitly with his anti-infinite regress argument for basic actions. Moreover, this is best taken as a consideration about the production of actions, if not completely, then at least partly. Davidson goes on to argue that primitive actions are bodily movements (widely construed to include 'mental' acts such as the resolve involved in standing one's ground, which seems not to involve overt bodily movement). Causally complex acts are 'mediated'. This puts basic actions to foundational use. The passage above suggests that Davidson sees causation as central to the relationship between basic and nonbasic actions. This is consistent with Danto's position: recall that, besides being parts of a whole, Danto asserted that basic actions cause mediated ones.

¹⁹³ Davidson, 'Agency', p. 49.

As it stands, Davidson's version of the infinite regress problem is unproblematic. It merely indicates a need for actions that are not caused by prior actions. In the sentences immediately following this, Davidson draws a different conclusion: 'But then event causality cannot in this way be used to explain the relation between an agent and a primitive action. Event causality can spread responsibility for an action to the consequences of the action, but it cannot help explicate the first attribution of agency on which the rest depend.'¹⁹⁴ The chain of events hinted at here is the result of Davidson's use of Joel Feinberg's accordion effect. Consider Davidson's example—a person startles a prowler when turning on a light. A series of distinguishable events happens here: 'A man moves his finger, let us say intentionally, thus flicking the switch, causing a light to come on, the room to be illuminated, and a prowler to be alerted. . . . Some of these things he did intentionally, some not; beyond the finger movement, intention is irrelevant to the inferences . . .'¹⁹⁵ The upshot of this line of reasoning, revealed at the end of 'Agency', is that primitive actions are the only sort of actions there are; ' . . . the rest is up to nature.'¹⁹⁶ The other sorts of description, the ones involved in the puffing out via the accordion effect, all apply to one descriptum.¹⁹⁷

Davidson's claim that we cannot use event-causality to explain the relationship between an agent and basic actions divides actions into two categories. There are the ones that are unmediated—ones with which we stand in a special, non-causal relationship—and then there are the other, causally mediated ones. Davidson claims that the relationship between these is that of identity—the doing of a complex action is just the doing of a primitive action—but this idea, indeed his whole account of the individuation of actions, rests on the prior division of actions into primitive and non-primitive kinds. We should, however, resist Davidson's case for such a division. There is a variety of ways in which we could explicate the assumptions driving Davidson's case. The most important are these two: 1) that the only way an action can be causally related to an agent is through another event that is an action; 2) that the causal chains that license attributions of agency can contain actions only. Both of these assumptions require argumentation, and both seem clearly false. Take a bodily movement that Davidson offers as an example of a primitive action: pointing a finger.¹⁹⁸ There are all sorts of events, causally related, within the physiological system that is the agent, that produce this movement. Moreover, it is reasonable to regard this chain of events that are not actions as somehow connecting the agent to the eventual action. About this fact, Davidson remarks:

It may be true that I cause my finger to move by contracting certain muscles, and possibly I cause the muscles to contract by making an event occur in my brain. But this does not show that pointing my finger is not a primitive action, for it does not show that

¹⁹⁴ Davidson, 'Agency', p. 49.

¹⁹⁵ Davidson, 'Agency', p. 53.

¹⁹⁶ Davidson, 'Agency', p. 59.

¹⁹⁷ Davidson, 'Agency', p. 59.

¹⁹⁸ Davidson, 'Agency', p. 49.

I must do something else that causes it. Doing some-thing that causes my finger to move does not cause me to move my finger; it *is* moving my finger.¹⁹⁹

All true, but the physiological observations suggest that event causality can be used to explicate the relationship between agents and primitive actions. Moving my finger does not cause me to turn on a light either—it causes the light to go on. Still, event causality is central to explaining the relationship of me to the turning on of the light. The same holds for the relationship between agents and Davidson's primitive events. The consequence is that Davidson is wrong to divide actions into two different kinds because of the different relationships in which they stand to agents. Instead, there are just different ways actions are done.

There is another conclusion, albeit a provisional one, to be drawn here. Davidson's anti-infinite regress claim indicates the need only for actions not further analysable in terms of further actions of the same agent. Davidson casts bodily movements as unanalysable in this way, but this is too hasty a step. Instead, we should take a more empirical approach to these matters: it might depend on circumstances whether an action can be analysed into more primitive ones or not. I will defend this below, but the implication would be that any action could, in principle, stop the infinite regress Davidson is addressing. Instead of identifying a special class of actions, we should instead take Davidson's infinite regress worry as indicating a way actions, any action, can be performed.

We can use Danto's position as a clue as to why Davidson makes this mistake. Although the passage from Davidson does not directly support such a reading, it is not implausible to think he conflates status and production issues. Davidson's answer to the status question is that actions are events that are intentional under some description. He also thinks that the relationship between the actionmaking mental states and the subsequent action is causal. The obvious candidate for the effect of the causal powers of mental states is bodily movements. As we have seen, he has erroneously inferred that some actions must be primitive in a foundational sense. Combining these ideas, one can see why Davidson might be tempted to say that the events that are normal, complex actions under some intentional description have to be basic *actions*, and the proximate result of mental causes, under another description. But this sort of idea, as we have seen, is unwarranted due to the lack of logical need for basic actions at all.

4.3 Jennifer Hornsby

Hornsby disambiguates two notions of basicness relevant to actions. Accordingly, she identifies two potential infinite regresses that these two sorts of basic actions halt. Only the first sort of basicness is adduced in answering the production question, so I shall devote most attention to it. However, Hornsby's treatment of the second kind of basicness is informative, so I will present it here and comment on it in the concluding section.

¹⁹⁹ Davidson, 'Agency', pp. 49-50.

1) The first regress is a causal one: ‘In a series of descriptions of an action that speak of the action in terms of its effects, we should be led to a regress unless we could say that at some point the action may be characterized in terms of its most immediate effect, or of no effect at all.’²⁰⁰ Hornsby works in the spirit of Davidson with regard to the individuation of actions. Consider a complex action such as turning on the light. Hornsby thinks we can describe this in a variety of ways: ‘... as we proceed through the series that runs from moving_T [transitive sense] his finger to illuminating the room we describe and redescribe a single action in terms of less and less direct effects.’²⁰¹ Not all effects can be ‘less direct’ in the sense of presupposing earlier effects. Somewhere the effect must be the first effect, or the action must be open to description not in terms of effects at all, but rather in its naked core form. Hornsby posits causal basicness to halt this regress. Her term for causal basicness is *basic_C*. Specifically, ‘A description *d* of a particular action *a* is a more *basic_C* description than another description *d'* if the effect introduced by $\langle d, a \rangle$ causes the effect that is introduced by $\langle d', a \rangle$.’²⁰² The idea of action descriptions introducing effect descriptions is easy to grasp. When someone, e.g., flicks a light switch, we know that one effect is the switch’s movement. ‘Flicking a light switch’ is an action description; ‘the switch’s movement’ is an effect description introduced by the action description.²⁰³ As we have already seen, an action (or, rather, a description of an action) is among the most basic actions (descriptions) if it introduces either no effect or an immediate effect. Hornsby thinks there is always a description of an action as a ‘trying to’ that fits this bill.²⁰⁴ Hence all actions are, at least, in the most *basic_C* sense tryings.

How strong is this case? It is analogous to Davidson’s argument about causality, and it suffers the same problem. The error consists in neglecting the fact that effects can be caused by events radically different in nature from themselves, and that these less obvious causal relations can still be relevant to explicating the relationships between an agent and an action. It is logically possible for an action description to be caused or introduced or licensed by an event that is not amenable to being described as an action. There is no looming regress here.

There are two ways to try to restore this regress problem. The first is to fall back on something like Danto’s observation and insist that complex actions are done by or through more basic ones. This is a bit vague, but it does seem to be the datum that has to be reckoned with in any discussion of basic actions. The question to be addressed is whether this observation indicates a need for basic actions or not. I will address this directly in the next section.

The second way to try to patch up this case involves appealing to Hornsby’s account of the individuation of actions. This would work if there were a compelling argument for this apart from the observation we have been discussing and the infinite regress threat that many theorists think establishes the need for basic actions.

²⁰⁰ Hornsby, *Actions*, p. 88.

²⁰¹ Hornsby, *Actions*, p. 67.

²⁰² Hornsby, *Actions*, p. 71.

²⁰³ Hornsby, *Actions*, p. 70.

²⁰⁴ Hornsby, *Actions*, p. 72.

However, there does not seem to be such an independent argument. Hornsby makes her case very much like Davidson. This involves [a] appealing to observations that some actions are done through others and trying to make a case for what needs to be done at one level for subsequent descriptions to be warranted,²⁰⁵ and [b] for Davidson, appealing to Feinberg's accordion effect to both set up and answer infinite regress worries. [B] is clearly nothing new. [A] is merely to work with the observation that Danto uses to start this whole discussion in a slightly different and more thorough manner than has been done in contexts directly addressed to basic actions. Hence this account of action individuation does not count as something new to be adduced as evidence for Hornsby, and cannot be used to prop up the purported causal infinite regress.²⁰⁶

2) The second infinite regress problem is a teleological one. It concerns describing the action from the agent's perspective: 'Among the things a person knows how to do, some of them he must know how to do "just like that", on pain of needing to ascribe to him indefinitely many distinct pieces of knowledge to account for his ability.'²⁰⁷ The idea here is that, for many cases of actions, we know that we can do something by doing something else. Our knowledge about how to do such things consists of means-ends beliefs. The knowledge needed for action cannot be all of this type, however. If it were, we would have, as Hornsby says, to attribute an infinite amount of means-ends beliefs to a person to account for a particular action. Consider that one is considering doing action *a*, and s/he knows this can be done through doing *b*. Now s/he is considering doing *b* as well as *a*. Perhaps s/he knows that this can be done through the means of *c*. Now s/he has *c* to consider . . . Somewhere the knowledge has to be different. Instead of having to consider means-ends beliefs, somewhere the knowledge how to do something must be 'hardwired', as it were. Hornsby calls this sense of basicness 'BASIC': 'A description *d* of an action *a* of agent *x* is more BASIC than another description *d'* of *a* iff in virtue of *a*'s occurrence "*x* intentionally [*d*'] by [*d*]" is true.'²⁰⁸ Further, 'A description of an action is the BASIC description of it iff there is no other description more BASIC than it.'²⁰⁹ She also offers an alternative conception: 'The kinds of action in an agent's repertoire that are BASIC for him are those which he knows how to do, and knows how to do otherwise than on the basis of knowing how they are done by him.'²¹⁰ This formulation captures the idea of 'hardwired' or unconscious skills nicely. Through practice we learn how to do complex things without necessarily knowing how we accomplish these things. We learn the movements, not theoretical knowledge about them.²¹¹

²⁰⁵ Hornsby, *Actions*, pp. 6-9.

²⁰⁶ This point can be generalized. Theorists offering an account of the individuation of actions typically get there through consideration of basic actions. Accounts of basic actions are not generally supported by accounts of action individuation, but rather *vice versa*.

²⁰⁷ Hornsby, *Actions*, p. 88.

²⁰⁸ Hornsby, *Actions*, p. 78.

²⁰⁹ Hornsby, *Actions*, p. 79.

²¹⁰ Hornsby, *Actions*, p. 84.

²¹¹ Hornsby, *Actions*, p. 83.

With reference to an agent's repertoire of skills and theoretical knowledge, actions that one knows how to do without knowing how one does them stop an explanatory regress: what the agent reveals about him/herself in action is grounded in this sort of knowing-how-to. This is a new sort of regress to our discussion. However, it is not a regress concerning the production of actions—basic_C actions are invoked to stop that regress. Nor is this a status argument. An agent's knowledge, or repertoire of skills, is one thing, and the constitution or status of events involving such knowledge is quite another thing. Answering questions about knowledge need not translate into answering questions about how events are legitimated as having a certain status.

I have represented Hornsby's position as an attempt to argue for the existence of basic actions through addressing two infinite regress problems. However, she does not present her case like this; this is my reconstruction of her position. Instead, she *finishes* her discussion of basic actions with very brief consideration of the purported regresses. Before this point, she seems to assume that the concept of basic actions is required and just needs clarification; recall her avowal of foundationalism. A way of reading Hornsby alternative to the one that I have presented is to see her as not fully realizing that the existence of basic actions needs to be argued for. At this point in action theory, the idea has taken grip. From this point on, the tendency is to take basic actions for granted. Whether explicit or not, I think it is fair to represent much philosophy of action as characterized by foundationalist assumptions.²¹² The felt need for, use of, and cases for basic actions stem from such assumptions.

5. CONCLUDING SUGGESTIONS

The anti-infinite regress arguments that are used to develop the observations noted by Danto fail to show that there is a special class of basic actions. These arguments are partly the effects of a failure to distinguish clearly production and status issues concerning action. Production and status issues are tangled in part because of the foundationalist assumptions that drive mainstream philosophy of action. Seen by themselves, neither production issues nor status issues present a need for actions of any special, basic kind. The vague distinctions with which we began are only mistakenly taken to indicate a need for basic actions.

Why is the conflation of production and status questions a source of difficulty? The pattern of error seen here is simply described: the question of the production of actions is clearly a causal issue, but infinite regress arguments are acceptable only for analytic issues.²¹³ If one thinks that status question calls for some sort of analysis,

²¹² The exception is primarily weak productionism—see Chapter Nine for discussion.

²¹³ The paradigmatic example of an anti-infinite regress strategy is Aristotle's case for the relationship between intrinsic and instrumental values. This argument clearly addresses an analytic issue, not an empirical one: 'If, then, there is some end of the things we do, which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go to infinity, so that our desire would be empty and vain), clearly this must be the good and the chief good.' (*Nicomachean Ethics* 1094a 20). This sort of argument starts with the uncontroversial observation that we value many things as means to other

then one will think that figuring out what makes an event an action will take tracing the logic of the concepts involved. Determining how certain sorts of events are produced, however, is a causal issue. Following Hume, we should think that causes and effects are contingently related. Conceptual analysis will not help us with these matters; instead, causal relations can only be assessed empirically. Infinite regress considerations are useful for tracing logical relations only, not causal ones. As we have seen, action theorists have been repeatedly tempted to use analytical tools for an empirical issue. I have tried to show that this is due to the confusion of analytic, status issues with causal, production ones.

Given what has happened to foundationalism in epistemology, we should not be surprised by the present results. Jonathan Dancy presents classical epistemological foundationalism as driven in part by anti-infinite regress considerations.²¹⁴ Here the idea concerns the justification of beliefs. Some beliefs are justified by virtue of inferential relations to other beliefs. However, if all such justification was like this, we would be faced with a vicious regress of justification, the result of which would be that no beliefs were ever really justified. So, the epistemological foundationalist concludes that there must be some self-justifying beliefs to ground the chain of justification. Dancy also notes that such arguments are generally thought now to be unpersuasive, for a variety of reasons. One is that, on reflection, it is reasonable to think that no beliefs are self-justifying such that they are infallible.²¹⁵ If beliefs are open to reasonable doubt, however, it seems that justifying them requires inferential relations to other beliefs. Second, and more interestingly, coherence theories of knowledge are non-foundationalist, but they do not give up on justification. Instead of concentrating on linear, one-by-one belief relations as the foundationalist does, the coherentist emphasizes the place of one belief in an entire set. In this view, a belief is justified, '... to the extent to which it contributes to the coherence of the belief-set of which it is a member.'²¹⁶ In short, non-foundationalist epistemologies have developed despite a history of philosophical study of knowledge characterized by infinite regress concerns. Given these alternative conceptions, the arguments that seem natural and forceful to the foundationalist lose their force. The upshot is that infinite regress considerations have subsided in importance in epistemology. The present work is an attempt to do the same for philosophy of action: to show that foundationalist ways of looking at action, replete with infinite regress considerations, are not the only way of seeing this topic, and that at least some of the non-foundationalist alternatives are preferable.

I shall finish by addressing the production of actions separately from status issues and in a non-foundationalist manner. There is something Rylean about

things. Often those other things are desirable as means to still other things. It takes little time to recognize that this chain has to stop somewhere: if all of the values we encounter are instrumental only, none of them seem to amount to real value at all. This threatens our existence with absurdity. Something, so the argument goes, must be valued for itself, not as a means to something else. That is, something must be intrinsically valuable. It is through their relationship to such terminal values that instrumental values derive their value; without intrinsic values, all value disappears.

²¹⁴ Dancy, *Introduction to Contemporary Epistemology*, pp. 55-7.

²¹⁵ Dancy, *Introduction to Contemporary Epistemology*, p. 58.

²¹⁶ Dancy, *Introduction to Contemporary Epistemology*, p. 127.

Hornsby's case for BASIC actions.²¹⁷ However, it is not purely Rylean, and action theory could benefit from being more Rylean. Hornsby's case for BASIC actions deals with the explanation of an action from the perspective of an agent's knowledge or repertoire of skills. However, we can develop a Rylean account of the production of actions.

In *The Concept of Mind*, Ryle attacks a conception of mentality that takes complex, self-conscious thought as its model. He calls this the 'intellectualist legend', and says that it holds that intelligent behavior is brought about by the prior consultation of rules and criteria. Ryle puts this in several ways to deflate its attractiveness. Ryle thinks, e.g., that this view of mentality represents thinkers as preaching to themselves before practicing.²¹⁸ Alternatively, Ryle thinks thinkers who hold this view are committed to every action involving first a bit of theory, then the behavior itself.²¹⁹ This should sound wrong. We do not have to do two things—thought and action—to produce intelligent behavior. Mainly, we just perform intelligent behavior. Situations requiring conscious thought before action are exceptional, not typical.

To argue his case, Ryle relies on the threat of an infinite regress: the consideration of propositions is itself an activity which can be done either well or poorly.²²⁰ Every time a thinker is portrayed as consulting rules or criteria regarding some performance, the thinker would have to consult the rules/criteria for this consultation, and so on. The intellectualists portray mentality as primarily the consultation of propositions—in Ryle's terms, as knowing-that. Ryle wants to replace this with knowing-how. Ryle thinks intelligent behavior, including the consideration of propositions, is a matter of having certain skills—one knows how to do certain sorts of things properly. Skills, according to Ryle, are dispositions. If one is disposed to act as circumstances dictate, there is no need to consult rules to produce the action. The regress threat disappears.

There are strong and weak versions of this idea. Weak Ryleanism uses know-how to *stop* the infinite regress. This strategy involves recognizing that Ryle was right about the threat of a regress, but holding on to the idea that intelligent behavior requires propositional knowledge. Weak Ryleanism gives up just the idea that this suffices to explain the production of intelligent behavior. Instead of propositional knowledge all the way down, somewhere there must be mere skills and know-how.

By contrast, strong Ryleanism—Ryle's own strategy—*cuts off* the infinite regress before it gets started. This strategy holds that propositional knowledge is not required for intelligent behavior at all: any event that seems like intelligent behavior is a candidate for explanation in terms of dispositions. We know that sometimes we do act by bringing theoretical knowledge to bear on our action and considerations of the situation, so we have to allow for this to happen, but there is no logical need for propositional knowledge in the production of intelligent behavior.

²¹⁷ In a different spot (*Actions*, pp. 48–50), Hornsby discusses Ryle's infinite regress argument with regard to the will (or 'conations'). Her remarks do not bear on the present discussion.

²¹⁸ Gilbert Ryle, *The Concept of Mind* (Chicago, 1984), p. 29.

²¹⁹ Ryle, *The Concept of Mind*, p. 29.

²²⁰ Ryle, *The Concept of Mind*, p. 30.

Hornsby's strategy, with regard to BASIC actions, is weak Ryleanism: she halts the regress with skills and built in knowledge very much like Ryle's dispositions. But now we can see an alternative way of explaining this case. Strong Ryleanism, applied to the explanation of action from the perspective of the agent's repertoire of knowledge and skills, shows us that we can start our explanation with skills. This cuts off the regress before it gets started. There is a logical need for skills somewhere in the explanation, but there is no logical need for theoretical knowledge. We know that, sometimes, theoretical knowledge is relevant to the production of complex actions, so we should make room for it in the way that Hornsby allows, but there is no requirement that it be present in general.

Interestingly, and more in keeping with Ryle's own terms, this point holds for explaining the production of actions *tout court*. Such explanations need only admit theoretical knowledge and prior, simpler actions when the contingent details of the particular case demand it. But in general, there is no logical need to explain the production of complex actions in terms of simpler actions. As an example, it is logically possible that a complex action such as buying a newspaper can be produced through events that are not themselves actions—e.g., mere bodily movements. This action is complex, but this does not entail that it is composed of simpler actions, just of simpler events.

Let's return to Danto's original observation. This is the uncontroversial notion that some actions are mediated or done through others. This, however, is not a brute datum: it is already interpreted, and, in Danto's case, perhaps in ways that make the infinite regresses seem threatening. We can reinterpret this in a couple of ways:

1. Taken superficially, it does not pose an infinite regress problem at all. When we notice that some action is done through others, our accounting for the action can stop with those others. Noting that some action is complex is to be committed only to it being complex as an event, not necessarily in the sense of being composed of simpler actions.
2. Taken as posing a general problem for the production of actions, it must be answered in a strongly Rylean way. More basic actions need only enter the explanation of the production of a particular action as the details of the particular case dictate. In general, in explaining the production of a complex event that counts as an action, there is no logical need for any more basic actions. Production can be explained in terms of mere behavior rather than action.²²¹

²²¹ Objections to this tend to be intuitive rather than argumentative: people cannot *imagine* how complex actions are done if not through basic actions (I have heard this in conversation). The quick (but correct) answer is that this is a failure of imagination. A more accommodating answer tries to aid imagination. My guess is that this failure of imagination is often at least partly due to subconscious dissociation of oneself from one's bodily movements. Our bodily movements are *ours* in an unobjectionable sense: they are executed by the body that (at least partly) constitutes us as persons. Moreover, we can take conscious control over a great many of our 'mere' bodily movements. Breathing is a good example. When we take control of breathing, it is being caused in a slightly different way than it was before. It is no more ours for causing it differently.

Hornsby employs a way of speaking about the relations between actions that calls into question some of the original ways of putting the observation. As we have seen, Hornsby speaks of 'more basic' descriptions of actions. Some of the ways of speaking about basic actions—that they are done directly or at will, for example—suggest that we observe them unproblematically. But we do not observe any special sort of actions this way—recall Danto's rejection of cognitive constraints and criteria for basic actions. It seems to me, for example, that I buy newspapers 'at will', yet this is (often) quite clearly a complex action. Instead, we should take a hint from Hornsby's usage and see that we commonly observe series of actions. We routinely encounter people doing things by doing other things. Instead of observing basic actions, we see actions that are better described as 'more' basic than others.

Putting our experience in this way does not deliver actions that are basic in a special sense. It commits us to the existence of complex actions that are done through other actions. When an action is done via a prior action, we are logically committed, because it is tautologous, to the existence of the prior action through which the subsequent action is done. At this point, our prior considerations apply: this seemingly more basic action could have been performed via mere bodily movements. Nothing more basic again needs to be invoked to explain the production of these actions. This is as basic as actions get, and it bestows no special status on the more basic action. The only sort of basicness there is to actions is relative basicness, and we assess this by seeing what is done with actions, not how they are performed.

What of Hornsby's parlance, 'more basic'? Is an action *A* through which another action *B* is done necessarily more basic than *B*? This way of speaking is generally harmless, but complications arise when the production of actions involves a feedback process, not an uncommon occurrence. Consider temporally extended action *B* which is done through action *A*. An example is handwriting, done through the movement of a pen. Monitoring *A*, the movement of the pen, can play a causal role in the continuance of *B*, the handwriting. When I attend to my writing, my assessment of, e.g., clarity or progress can influence how I move the pen to continue writing. In such cases, *A*, although the means through which *B* is done, is also mediated by *B*. Here speaking of more and less basic descriptions of actions loses some of its point, and may even obscure the details of the causal interaction between actions.

This view of the production of actions is consistent with Davidson's important work on rationalizing explanations in 'Actions, Reasons, and Causes'. Davidson's argument establishes only that beliefs and desires can be causes of actions. That can still be the case. When someone asks me why I bought a newspaper and I answer 'Because I wanted to find out about this weekend's movie listings and believed they would be printed in the paper today', we can still treat the mental states reported by me as causes of my action. These mental states could start a complex chain of physiological activity and bodily movements culminating in perhaps just one action—my purchasing of the newspaper. To repeat, there might be other actions as part of this chain, but there need not be.

Ironically, this sort of account of the production of action is, in a sense, even more Davidsonian than Davidson's own account. David Bakhurst has noted to me

that one of the appealing points of Davidson's philosophy of action is the idea that agents need only make bodily movements to accomplish the wide variety of actions that we see and do all of the time. Davidson was driven to represent these bodily movements as themselves actions, but our Rylean reflections show that this is not necessary. We should take this idea quite literally: we *need* only make *bodily movements* to act (although bodily movements *alone* do not suffice for action, according to neo-ascriptivism).

The reflections presented in this concluding section find some agreement in the work of Stewart Candlish on basic actions. Despite thinking that anti-infinite regress considerations are a legitimate way of showing the need for basic actions,²²² Candlish eventually concludes that what we do in a basic sense will vary according to situations.²²³ He explicitly divorces status considerations from inquiry into the production of actions: 'A component approach to action can in principle find the characteristic of activity without having to locate it in any particular component . . .'.²²⁴ This clearly runs directly counter to those lines of thought that hold that the basicness of some action is required to deliver the actionhood of less basic actions. Interestingly, Candlish chalks the misuse of the notion of basic actions up to a 'fear of contingency', and charges action theorists with not adhering to Wittgenstein's injunction to cease seeking for necessities.²²⁵ This strikes me as an apt way of characterizing one lesson of the present chapter.

The search for basic actions was driven by foundationalist assumptions. Given that we have seen foundationalism shrink in other domains, it should be no surprise that it could do with curtailment in the philosophy of action. Modeling non-foundationalist action theory on non-foundationalist work in other domains, such as epistemology and the philosophy of mind, ought to redirect action theory in a new, accurate, and profitable way. I have tried to show this for study of the production of

²²² Stewart Candlish, 'Inner and Outer Basic Action'. *Proceedings of the Aristotelian Society*, New Series—Vol. LXXXIV (1983-4), p. 84.

²²³ Candlish, 'Inner and Outer Basic Action', p. 99.

²²⁴ Candlish, 'Inner and Outer Basic Action', p. 98.

²²⁵ Candlish, 'Inner and Outer Basic Action', p. 100.

actions in this chapter. In the next chapter, I try to show it for study of the status question as well.²²⁶

²²⁶ I have not mentioned the details of Annette Baier's 1971 argument against the search for basic actions. The reason is that Baier's topic is not foundationalism, whereas mine is. The present project should be seen as presenting a deep problem faced by theorists who want to use the notion of basic actions that supplements the considerable problems already noted by Baier. Specifically, Baier differentiates eight possible senses of 'basic', and suggests that there could be more. Actions that are basic in one sense are not necessarily basic in any of the others. Further, it is not clear that anything important would be achieved if basic actions theorists could specify the way that, e.g., bodily movements are basic. See Baier, 'The Search for Basic Actions', pp. 168-70 for details.

CHAPTER 7

FOUNDATIONALISM AND THE STATUS QUESTION: STRONG PRODUCTIONISM

To pursue worries about foundationalism and the status question, I am going to examine attempts to provide a causal analysis of action. In particular, I will examine a pervasive problem that has received considerable attention in debates about the prospects of providing an analysis of action. We shall see that the foregoing reflections on foundationalism and basic actions give this line of criticism force that it has not had before. I shall conclude with reflections on reasons one might attempt to pursue such an analysis.

1. CAUSAL THEORIES OF ACTION

Since 1963 and Donald Davidson's 'Actions, Reasons, and Causes', the dominant position in action theory has been causalism. Causalism has taken a variety of guises, most of which see Davidson's 1963 paper as paving its way. But what exactly does Davidson's paper establish? We can distinguish two sorts of causalism, one very minimal, the other more inflated and more prevalent. Both sorts of causalism share the following apparently innocuous thesis: mental states/events cause actions. One might suspect that this thesis is *too* innocuous—virtually everyone must believe it because it can be satisfied so trivially. In the middle of the twentieth century such theorists as A.I. Melden did resist this thesis, but few would now. Causalists proper, thanks to the mid-century debate which led up to Donald Davidson's 'Actions, Reasons, and Causes', hold a more specific thesis: reasons explanations are (can be) causal explanations. This thesis goes somewhat further towards marking one group of people and positions from others, but this position is still widely held. Davidson's 1963 paper is the source of contemporary advocacy of this position, as well as current interest in causalism more widely construed. Crucially, this is a production claim: if you think reasons are or can be causes, then you are committed to a particular position about how at least some actions are produced.

There is a final thesis that some causalists hold *qua* causalist: to be an action is to be an event with a certain sort of cause. Since this asserts a relation of identity not implied in the idea that actions are merely caused by mental states, a distinct methodological tenet follows: actions are amenable to causal analysis. This is to be understood as a status claim. Specifically, giving a causal analysis of 'action' involves demarcating necessary and sufficient conditions that are causally constitutive of events as having the status 'action'. The causes examined in such

analyses are all characteristics of the agent in question—e.g., the having of intentions. Such causes constitute events as actions.²²⁷ Causalists may fairly be said to differ on this matter. This thesis entails the former one. If you think actions are events with a particular sort of cause, then you will think that reasons explanations (or rationalizations, or rationalizing explanations—I will use the terms synonymously) are causal explanations. But adherence to a causal view of reasons explanations does not entail a belief in the viability of causal analyses of action.

Using these two issues we can identify two varieties of causalism. Adherence just to a causal view of rationalizations I will call restricted-causalism, or causalism_R:

Causalism_R: Reasons explanations are (can be) causal explanations.

Adherents of causalism_R are committed solely to a production claim. Theorists who hold the wider variety of causalism, incorporating this position and the adherence to causal analyses of action, seek what I will call, following John Bishop, a causal theory of action, or CTA:

CTA: 1) Reasons explanations are causal explanations.

2) Actions can be given causal analyses.

Besides the production claim shared with causalism_R, CTA is committed to a status claim. CTA: (2) is to be understood as specifically about what it takes for an event to exemplify the kind ‘action’. CTA is strongly productionist. It holds that the status question is to be answered in terms of the production of actions. Specifically, it appeals to the causal history of events as what makes them actions. As we shall see, CTA also accords a role to the manner of production in its account of status issues. Causal history, however, is more important. Causalism_R, however, is not a version of strong productionism. It is not explicitly committed to any particular answer to the status question.

An important implication of the distinction between causalism_R and CTA is that the rejection of the pursuit of a causal analysis of action need not be taken as a rejection of a causal interpretation of reasons explanations. Nor need it be taken to imply skepticism about the causal efficacy of mental states. Such positions need support independent of the rejection of CTA. Since many do indeed reject the causal

²²⁷ One can imagine thought experiments in which a physically identical event to an action was brought about, but which had different causes. Since, according to this brand of causalism, causes are the deciding matter as to whether an event is an action or not, such an event would not be an action. For example, imagine that Pete Sampras is practicing tennis in a swampy area in Florida. Lightning strikes Pete, turning him to jelly in midstroke, while a physically identical swamp-Sampras (Swampras) comes into being beside poor Pete. Since Pete was killed mid-stroke, Swampras is constituted mid-stroke. The difference is that Pete’s motion was caused/started by Pete’s mental states, whereas Swampras did not exist prior to the mid-stroke arrangement of molecules. Since these prior events constitute Pete’s movement as an action, and since Swampras’ movements are caused differently, Swampras’ movements, so the story goes, are not actions. Later on, perhaps they will be—it all depends on the sorts of mental causes they need and whether Swampras can have the mental states in question.

interpretation of reasons explanations, causalism_R is clearly a substantial position. Whether reasons could be causes was clearly the central topic in 20th century philosophy of action. Causalism_R takes a clear position on exactly this issue. Hence one need not worry that the rejection of CTA leaves only an insubstantial version of causalism.

Since this chapter is about foundationalism and the status question, CTA is the version of causalism that will receive the critical attention in this chapter. Specifically, CTA's commitment to the pursuit of a causal analysis of action will be examined. I will argue that we should give up this, and hence reject CTA. I will not, however, reject causalism_R .

2. CAUSAL DEVIANCE

Arguably the most important sticking point for theorists pursuing a causal analysis of action is the matter of deviant causal chains. CTA requires the provision of necessary and sufficient conditions of an event being an action. For various particular attempts to provide such conditions, other theorists invariably concoct scenarios in which the conditions are satisfied, but the resulting event cannot reasonably be taken to be an action. CTA theorists have responded to such counter-examples with refinements of their analyses. Such refinements usually include clauses which address *how* the proffered conditions must cause an event for it to count as an action. The original counter-examples can then be seen to fail by connecting an event to its mental causes in the wrong way for it to count as action.

As an example of the origin of this sort of problem, consider Alvin Goldman's definition of intentional action:

Suppose S has an action-plan which includes acts $A_1, A_2, A_3, \dots, A_n$, where A_1 is a basic act and $n > 1$. S wants to do A_n , and S believes (to some degree) of each of the acts $A_1, A_2, A_3, \dots, A_n$ firstly, that it will either be generated by A_1 or be on the same level as A_1 , and secondly, that it will either generate A_n or be on the same level as A_n . If this action-plan, in a certain characteristic way, causes S's doing A_1 , then A_1 is intentional. And if some of the other acts A_2, A_3, \dots, A_n are performed in the way conceived in the action-plan, then these acts are also intentional. All other acts on the (actual) act-tree are non-intentional.²²⁸

There are two important things to notice here. First, intentions for Goldman are just belief-desire pairs. Second, note the almost mysterious reference to the sort of causation needed for intentional action. The problem here is that action-plans can cause a variety of events, not all of which we want to count as action. Imagine a person who wants to kill her husband and believes that she could do so by tampering with his car. On Goldman's account, this person would have an action-plan—a desire and a representation of what to do to achieve the end result. Imagine now that this woman has been daydreaming about killing her husband, then catches herself and chastises herself for having such malicious thoughts. Her desire is countered by other desires, e.g., not to kill anyone. As a result of having all these thoughts, she

²²⁸ Goldman, *A Theory of Human Action*, p. 57.

blushes. Her embarrassment and face colour are the causal results of having the action-plan, but nobody would want to say they are actions. Goldman has to stipulate that the right kind of causation links plan and action to rule out the inclusion of such counter-intuitive effects as actions by his account. What is the right kind of causation? Goldman is uninformative—'in a certain characteristic way' is all he offers.²²⁹ Moreover, he tries to discharge responsibility for this matter by denying that the specification of the right kind of causation is a philosophical problem at all. Rather, he casts it as a neurophysiological problem.²³⁰ The best that philosophers can do is note that we feel a distinctive kind of causation when we act, a kind different from the link between thoughts and embarrassment, and leave it up to neuroscience to clarify matters.

Myles Brand thinks Goldman is incorrect to shun this task because of the nature of the natural sciences.²³¹ Brand thinks the sciences merely record the causal chains they find. However, Goldman's requirement is that we find the characteristic, that is, *right* way for mental states to cause actions. This, thinks Brand, is a normative task. The natural sciences are not a normative endeavour. Rather, such matters belong to philosophers: Goldman has shirked a task that he really ought to face. An obvious counter-objection consists in pointing out that the natural sciences do involve normative concepts—e.g., biology uses the notion of the function of a trait—what a trait is *supposed* to do—and medical science is based on the idea of the assessment of *good* and *bad* health. Brand's objection is suggestive, not conclusive. Still, the sense that Goldman has given up too early remains.

Davidson tentatively considers a position like Goldman's, but rejects it. In 'Freedom To Act' he offers, 'A can do x intentionally (under the description d) means that if A has desires and beliefs that rationalize x (under d), then A does x.'²³² Having an intention, by this reasoning, is just having a primary reason—a combination of a belief and a desire—for an action. This is Goldman's position. Merely having the reason will bring about the appropriate action. Davidson rejects this idea due to the problem of deviant causal chains. Davidson's example is helpful: consider a mountain climber struggling with a heavy load at the end of a rope. The load is another person. The climber might want to be rid of the effort involved in supporting the other person, and he might know that one way to do this would be to loosen his grip so as to lose the other person. The climber does not choose to do this, but the realization of having the thought scares him to such an extent that his grip loosens and the other person falls down the mountain. Here the beliefs and desires that would rationalize such an action cause the event, but we certainly do not want to say that there was an intentional action.²³³

Goldman stipulated that, for intentional action, the mental states had to cause the event in the right way. Although Goldman could not address this matter, he thought it would be illuminated by neuroscience, not philosophy. We can see now that this

²²⁹ Goldman, *A Theory of Human Action*, p. 57.

²³⁰ Goldman, *A Theory of Human Action*, p. 62.

²³¹ Brand, *Intending and Acting*, p. 19.

²³² Donald Davidson, 'Freedom to Act', in *Essays on Actions and Events* (Oxford, 1980), p. 73.

²³³ Davidson, 'Freedom to Act', p. 79.

confidence is either question-begging or mere faith which we need not share. Davidson's climber shows that specifying the right way for mental states to cause actions is a tricky matter. One might wonder whether it can be done at all. In this case, if we are to take Goldman's account as an answer, then it begs the question. Goldman merely asserts that there must be a specifiably right kind of causal link between mental states and actions without providing any argument which deals with the intricacies. Once we see through the rhetoric, we know that Goldman's appeal to neuroscience is mere faith—he is making a bet that the right kind of causal link will be illuminated, thus vindicating his action theory in the future. Without more substantial reasons, we have no strong grounds to bet on Goldman's side. We ought to look elsewhere to try to solve, or dissolve, the problem.

Some theorists have tried to revise analyses to resolve problems of causal deviance, but Davidson is not among them. Davidson gives up on the possibility of finding a causal analysis of action for precisely the reason we have looked at—deviant causal chains. Davidson gives up the search as futile at the end of 'Freedom To Act'.²³⁴ His reason for thinking such an analysis is impossible is the difficulty he has seen, in his own work and in others', dealing with causal deviance.

Alicia Juarrero has recently given Davidson's assessment new life.²³⁵ She thinks typical CTA work will inevitably be open to counter-examples showing deviant causal chains due to the commitment of such work (and indeed of much besides philosophical study of action) to thinking of causal relationships in terms of efficient causation:

. . . if causes are occurrent events that cause in bump-and-run fashion, it is always possible for a cause to deactivate in midstream before the behavior has been completed. It is also possible for extraneous, accidental factors to compromise the causal chain and make the resulting behavior nonaction. Contemporary thinkers have resorted to epicyclic contortions to circumvent the deficiencies this uncritically accepted understanding of cause occasions. Like their astronomical ancestors, however, they all fail, as no amount of Band-Aid repair will resolve such a fundamental problem demanding radical revision.²³⁶

I will not examine the particular twists and turns, the proffered analyses, counter-examples, and revisions that constitute this debate. My purpose instead is to articulate a deeper explanation of the in-principle objection made by Davidson and Juarrero. Specifically, I will focus on the foundationalism at work in the pursuit of causal analyses of action. Once we see that such foundationalism is ungrounded, it is clear that it is impossible to provide a causal analysis of action. I will examine the

²³⁴ Davidson, 'Freedom to Act', pp. 80-1. David Bakhurst has remarked to me that Davidson's rejection must be linked to his anomalous monism. A causal analysis of action would link actions and mental states under their physical descriptions (and hence not really in full guise as actions). Lacking strict psychophysical laws, reasons escape attempts at causal analysis. This is plausible, but Davidson explicitly gives up on analysis because of wayward causal chains.

²³⁵ Harry Frankfurt ('The Problem of Action') also presses this objection. The details of Juarrero's case resemble Frankfurt's more than Davidson's, such as they are. Given this similarity, I will not discuss Frankfurt.

²³⁶ Alicia Juarrero, *Dynamics in Action: Intentional Behavior as a Complex System* (Cambridge, Massachusetts, 1999), p. 28.

work of John Bishop and Myles Brand as the most important in the attempt to make CTA work against the force of the objection of causal deviance.

3.KINDS OF CAUSAL DEVIANCE

Let's start by distinguishing two sorts of causal deviance. Foundationalist ideas, such as that of basic actions, play differing roles in CTA attempts to deal with these problems. First, consider the following famous example, derived from Harry Frankfurt and revised by Myles Brand:

Abel is attending a party. He wants to spill his drink because he wants to signal to his accomplices to begin the robbery and he believes, in virtue of their prior agreement, that his spilling his drink will achieve that. But *Abel* is an inexperienced criminal and quite anxious. His anxiety makes his hand tremble, and so his drink spills. As a result, the robbery is committed.²³⁷

Intuitively, *Abel's* spilling of the drink is not an action. The reason seems to be that something intervenes between the mental events and the event of the drink's spilling. This is a problem for CTA because the mental events are of the sort commonly appealed to as the right kind of cause for an event to count as an action. Since these events clearly cause the spilling of the drink, it should count as an action. Yet that violates our intuitions about actions, and CTA theorists generally want to respect such intuitions. The kind of waywardness that occurs between mental events can be called, following others, *primary* or *antecedential* or *basic* waywardness or causal deviance.

Compare *Abel* with the following case that Brand derives from Roderick Chisholm:

Carl wants to kill his rich uncle because he wants to inherit the family fortune. He believes that his uncle is home and drives toward his house in order to perform the dastardly deed. His desire to kill his uncle combined with his belief that his uncle is home agitates *Carl* and he drives recklessly. On the way he hits and kills a pedestrian, who, as luck would have it, is his uncle.²³⁸

Carl's belief and desires cause several actions here, but the killing of his uncle, intuitively, is not one of them. The problem here is not events intervening between mental events and behavioral events, but just between some behavioral events and other, perhaps more basic, behavioral events. Following others, this kind of waywardness can be called *secondary* or *consequential* or *nonbasic* waywardness or causal deviance.

John Bishop appeals to basic actions to deal with nonbasic deviance. At least part of the reason that *Carl's* killing of his uncle does not seem to be an action is that it was an accident—a great deal of luck enters into the causing of this event. More specifically, the *means* by which his uncle is killed seem circumstantial, not a matter

²³⁷ Myles Brand, 'Proximate Causation of Action', in James E. Tomberlin (ed.) *Philosophical Perspectives*, 3: *Philosophy of Mind and Action Theory*, 1989 (Atascadero, California, 1989), p. 427.

²³⁸ Brand, 'Proximate Causation of Action' p. 427. Roderick Chisholm, 'Freedom and Action', in Keith Lehrer (ed.), *Freedom and Determinism* (New York, 1966).

of Carl implementing his beliefs and desires. Bishop is a Goldman-style causalist: he thinks it makes sense to speak of the causal antecedents in terms of action plans. For normal, complex actions such as killing someone or buying a newspaper, Bishop thinks that one's action plan will include specified means by which such events are to be accomplished. Ultimately, these means will be specified basic actions.²³⁹ In this way, a particular causal route is planned by which one's desires will be satisfied. On the case of Carl, Bishop comments:

Here the deviance is well accounted for as a failure of match with the action-plan: The nephew's intention causes its fulfillment by a causal route quite different from the kind intended. Indeed, the actual causal route could not have been intended—it would be incoherent to form a plan to kill Uncle Joe by accidentally running over an anonymous pedestrian who then turns out to be Uncle Joe.²⁴⁰

This still leaves the matter of basic deviance. This is the more important problem for CTA: it might be that CTA theorists can find ways to resolve nonbasic deviance, but this still leaves a potential gap between mental events and behavioral events. Unless this gap can be closed or crossed somehow, there will always be the possibility of exploiting it in counter-examples in which the requisite causal antecedents of action are provided, yet something intervenes between these mental events and subsequent behavior such that the behavior no longer intuitively counts as action.

Brand tries to close the gap. He thinks that a central concern of action theorists should be to specify a *proximate* cause of actions.²⁴¹ A proximate cause is an event between which and an event that it causes there intervene no other events. A non-proximate cause has some other event intervening as a cause between it and some event that it causes. In Abel's case, his anxiety intervenes between his beliefs and desires and the spilling of his drink. His mental states fail to cause this event proximately. The problem of antecedential causal deviance will be defused if some specific proximate cause of action in general can be identified, such that problematic counter-examples can be shown not to invoke the appropriate kind of cause.

Basic actions are very important for this strategy. As we have seen, basic actions are typically taken to be bodily movements. These seem 'closer' to their mental causes than such actions as buying a newspaper, writing a cheque, or killing someone. These normal, complex actions involve the world beyond the physical bounds of the agent in various ways. Many such actions involve other people and even social institutions. It is very implausible to think that mental causes could be proximate to this sort of complex activity. The case is much different with bodily movements. These are much better candidates for events that could be proximate to mental events.

Bishop thinks such attempts to close the gap between mental causes and subsequent behavior will not work. He claims that bodily movements, the typical candidates for basic actions, are never proximate to, e.g., the intentions that cause

²³⁹ Bishop, *Natural Agency*, p. 129.

²⁴⁰ Bishop, *Natural Agency*, p. 129.

²⁴¹ Brand, 'Proximate Causation of Action', pp. 428-9.

them. Brand takes intentions to be realized in neural events.²⁴² Many physiological events intervene between the neurally realized intention to spill a drink and the basic action of moving one's hand, which would implement this intention.²⁴³ Brand is somewhat sensitive to this problem. According to Bishop, Brand, '... stipulates that the sequence of events constituting a basic action begins at the very point in the physiological chain at which mental antecedents end ...'.²⁴⁴ Bishop takes Brand to do this by claiming that, '... the action of Richard's clapping his hands begins in the brain.'²⁴⁵ The problem with this strategy is that there are numerous ways overt bodily movements can be physiologically connected to neural events, and not all of them are suitable for connecting mental events to an action. Nervousness, of the sort seen from Abel, is one way neural events are connected to overt bodily behavior, but this is an unsuitable connection for the behavior to count as action. In short, constraints must be specified to divide action-making connections from connections unsuitable for this status purpose. Brand fails to specify any constraints, so he fails to close the gap between neurally realized mental events and behavioral events in the manner required to secure actionhood.²⁴⁶

Instead of closing this gap, Bishop tries to cross it. He does this by attempting to specify certain ways behavior and mental events must be connected for the behavior to count as an action. Specifically, Bishop exploits the idea that an agent must exercise a certain sort of control over behavior for it to be reasonably taken as action. Adding ideas about control to an analysis promise to answer the examples offered as examples so far.

The first aspect of control that Bishop puts to use is *sensitivity*: '... a CTA analysis will exclude basic deviance if it includes the requirement that the caused behavior shows a certain responsiveness or sensitivity to the content of the intention that causes it.'²⁴⁷ We do not think of events as under the control of some plan or description if they do not seem to fit that plan. Moreover, such sensitivity can be a matter of degree. Something caused by a vague plan that leaves lots of elbow room for different instantiations of the plan seems less controlled but instead just roughly guided by the plan. However, activity that matches a detailed plan to the letter is more clearly controlled by the plan.

Sensitivity is not all that is needed to explicate the notion of control. Other agents can in principle intervene between intention and activity and thereby ensure that the activity matches the intention, but in many such cases the activity does not intuitively count as an action of the original agent. Activity which matches the intention of one agent only through the intentional activity of a distinct agent is *heteromesial*.²⁴⁸ One might think that this is easy to handle—frame an analysis such that heteromesy is ruled out explicitly. The problem with this is that not all

²⁴² Brand, *Intending and Acting*, p. 20.

²⁴³ Bishop, *Natural Agency*, p. 139.

²⁴⁴ Bishop, *Natural Agency*, p. 139.

²⁴⁵ Brand, 'Proximate Causation of Action', p. 20.

²⁴⁶ Bishop, *Natural Agency*, pp. 139-40.

²⁴⁷ Bishop, *Natural Agency*, p. 148.

²⁴⁸ Bishop, *Natural Agency*, pp. 156-7.

heteromesy threatens an agent's control. Second, distinct agents could share in control without usurping it. They could also, in principle, function as agential prostheses that entirely preserve one's control over eventual behavior.²⁴⁹

Bishop appeals to *sustained causation* to rule out problematic heteromesy but leave room for heteromesy that does not threaten a CTA analysis.²⁵⁰ Behavior, especially behavior that we are inclined to describe as controlled, takes place over an extended period of time, not at a discrete instant. Agents typically do not merely start such behavior, they also regulate it as it happens. Consider signing one's name: one might monitor the spatial relationship between the on-going writing and the line provided for the signature, or the box in which it must fit. One also monitors one's progress somehow—the letters must be arranged in a specific order, and on-going control is needed to achieve this order. The heteromesial chains that threaten control are ones in which no such on-going causation happens between the original agent and the eventual behavior. However, heteromesial chains in which such sustained causation is preserved do not threaten agency.

Finally, to make naturalistic sense of sustained causation as an integral part of control, Bishop appeals to *servosystems*. Such systems, '... produce or maintain a given output by means of feedback loops.'²⁵¹ A system in which there is feedback between on-going behavior and some mechanism that continually causes the on-going behavior is capable of controlling its behavior. Moreover, such on-going connection between controlling source and on-going behavior seems to ensure that the behavior is sensitive to the plan being enacted by the controlling center. In short, feedback and sensitivity are naturalistically acceptable ideas that allow Bishop to circumvent basic deviance. His final analysis is this:

M performs the basic intentional action of *a*-ing if and only if,

M has a (basic) intention to do *a*; and

M's having this basic intention causes *M* to produce behavior, *b*, which instantiates the types of state or event intrinsic to the action of *a*-ing; where

(i) the causal mechanism from *M*'s basic intention to *b* satisfies the sensitivity condition; and

(ii) if this causal mechanism involves feedback, then the feedback signal is routed back to *M*'s central mental processes if to anyone's.²⁵²

²⁴⁹ Bishop, *Natural Agency*, pp. 161-2.

²⁵⁰ Bishop, *Natural Agency*, p. 167.

²⁵¹ Bishop, *Natural Agency*, p. 168.

²⁵² Bishop, *Natural Agency*, p. 172.

4. FOUNDATIONALISM AND CAUSAL DEVIANCE

Brand needs basic actions to make his case for a proximate cause of action work. This case is directed against antecedential deviance. Bishop appeals to basic actions to deal with nonbasic deviance. Sensitivity and feedback are deployed to answer the threat of basic deviance. In Bishop's analysis, these notions are used to provide an analysis of basic actions. Basic actions are clearly a linch-pin for the most promising CTA theories.

We saw in the last chapter that the arguments offered for basic actions from the production perspective are unconvincing. When the production issue is treated independently of status issues, no use needs to be made of the notion of basic actions. Moreover, I also argued in the last chapter that some case for the notion of basic actions must be provided. Without support from the production perspective, such arguments can come only from the status perspective. But Brand and Bishop provide no such arguments, and there is good reason to think that none can be offered. Robbed of support derived from consideration of the production of actions, all that can be appealed to is the role, or perhaps even the need, for basic actions in an account of what makes an event count as an action. However, this strategy begs the question in favour of answers to the status question that give this notion a role. So far as I can tell, it is not an *a priori* truth that a satisfactory answer to the status question must use the notion of basic actions. Instead, this notion requires argumentation. It derives no support from the failure of analyses of action without the notion: I doubt that it is an *a priori* truth that such an analysis must be provided. To use basic actions solely on the grounds that they patch up an analysis begs the question: the argument amounts to the claim that there must be these sorts of events to make this sort of theory work. This is unacceptable.

Once we reject basic actions, Brand's appeal to proximate causation clearly does not work. Bishop thinks intentions are never proximate to *basic* actions. Once they are rejected, non-basic actions are the only sort that remain, and it is even less plausible to think that intentions could be proximate to this sort of event.

Bishop's case is more subtle, but it also runs into problems. Bishop deploys basic actions to solve problems of non-basic deviance, such as in the case of Carl. This strategy is not available once we reject basic actions. However, Bishop has a different strategy for dealing with basic deviance. Once basic actions are rejected, at least some cases of deviance that seemed non-basic might now seem basic. Consequently, it is worth examining whether sensitivity and feedback could be used to solve problems of wayward causation between, e.g., intentions and complex behavioral events of the sort characteristic of normal, non-basic actions.

Consider the following modification of Davidson's climber. You are supporting the weight of your friend, you wish you did not have the weight, and you believe that if you dropped your friend down the mountain, your desire would be satisfied. Having such a thought scares you, and your grip loosens on the rope such that your friend begins to fall. As you watch, the shock temporarily makes you incapable of moving your hands. The feedback of information from the event of your friend falling back to your central processing mechanisms ensures that your body stays in

such a way that the rope slips entirely through your hands and your friend dies. Such an event seems to exhibit the requisite sensitivity to the mental events that cause it. Moreover, the only feedback involved goes to your central nervous system. But the dropping of your friend does not intuitively count as an action. In this case, without basic actions, feedback and sensitivity do not rule out counter-examples to Bishop's analysis.

Although this example fits the letter of Bishop's analysis, one might worry about how well it addresses the spirit of Bishop's case. Sensitivity and feedback were offered as ways of explicating the notion of control, yet in this case you clearly lose control over your behavior. Two responses are available. One is that if feedback and sensitivity can be incorporated in an example in which an agent clearly loses control over behavior, then Bishop's attempt to explicate control with these notions clearly fails. The other answer is to present other examples. Consider the following modification of the case of Carl. Carl intends to kill his uncle in order to inherit the family fortune. He believes that his uncle is home, so he drives towards his uncle's neighbourhood. His excitement about the killing and the ensuing fortune causes him to drive recklessly. He pictures his uncle's face and, as he drives, he imagines ways to kill him. Suddenly, a pedestrian appears in the road. In the excitement stemming from a desire to kill, the prospect of becoming rich, and the attentiveness given to planning how to face his uncle and kill him, Carl accelerates and steers the car directly at the pedestrian. He is immediately shocked out of his current state of mind by the impact, so he brings the car to a halt. Muttering, 'I can't believe what came over me,' Carl leaves the car and discovers that the pedestrian was his uncle.

What actions have been performed here? Carl clearly did not kill his uncle intentionally. He disavows the act, even though it stems from intentions and seems to satisfy the sensitivity condition with regard to them. There is feedback to Carl's central nervous system that results in modifications of his behavior. Carl's *body* clearly controls these changes, but there is a sense in which they were out of *Carl's* control. However, there is also a sense in which Carl controlled the process by which he got into such a state that this split-second activity could not but happen. I'm inclined to think that this is a hard case, shot through with control and with some actions, but not clearly with all the actions that would be entailed by Bishop's CTA-BI analysis. If this is at all correct, then Bishop's analysis fails.

Although these criticisms of Brand and Bishop have been put in terms of the failure of the notion of basic actions, CTA theorists cannot hope to solve their problems with other foundationalist notions. The arguments offered, from the production perspective, for basic actions are actually arguments that motivate foundationalism in general. Once these arguments are seen clearly, it is evident that foundationalism in general lacks support from this perspective. Basic actions are just the most common instantiation of such foundationalism. In short, the reliance of CTA theorists on the notion of basic actions in their answers to the status question shows their commitment to foundationalism. We have reason to reject such foundationalism. It would therefore be a mistake, stemming from a superficial understanding of the present case, to substitute a different foundationalist notion for that of basic actions.

5.CONCLUSION

We are finally in a position to give a deep explanation of the problem urged by Davidson and Juarrero. Both thought that it would be impossible to analyse action in terms of its mental causes. Davidson's assessment stemmed from the failure of attempts to provide such an analysis. Juarrero thought that action theorists' commitment to efficient causation was the problem. The present considerations show that commitment to unsupported foundationalism is the deep problem with the pursuit of causal analyses of action. In attempts to make their analyses work, CTA theorists have been forced to deploy such foundationalist ideas as basic actions. The reason is the challenge of deviant causation. Basic actions are integral to the attempts of Brand and Bishop to close or bridge the gap between cause and behavior that Juarrero claims cannot be satisfactorily navigated. Since non-foundationalist accounts of the status question, such as ascriptivism, are defensible, foundationalist approaches, such as CTA, require explicit methodological defense. Neither Brand, nor Bishop, nor any other CTA theorist that I know of has provided such argumentation. At best, this leaves CTA under-defended, and hence less persuasive than it might have appeared. At worst, if such foundationalism is indefensible, it constitutes a deep problem at the heart of the project of pursuing a causal analysis of action. Expunging the foundationalism from this explanatory strategy reveals a deep failure. Instead of facing a relatively small gap to be approached with technical nuances, CTA theorists would in fact face a yawning chasm. In conclusion, the rejection of foundationalism should be seen as the final blow to the prospects of the pursuit of causal analyses of action.

Finally, just to make it explicit: ascriptivism is a non-foundationalist answer to the status question. It does not divide actions into two kinds: normal ones and others that have a special role with regard to actionmaking properties. Neo-ascriptivism claims that the possibility of ascribing moral responsibility for an event is necessary for that event to count as an action. Whether an event counts as a candidate for ascriptions of responsibility is a matter of the relations between that event and the context in which it happens. No matter how complex the event in question is, its relations to its context need not be mediated by other sorts of events. No actionmaking bridge is needed. As a structure of theories, foundationalism is exhibited by CTA but not ascriptivism. If foundationalism is a problem, then CTA, but not ascriptivism, faces it.

APPENDIX III

REFLECTIONS ON THE PURSUIT OF A CAUSAL ANALYSIS OF ACTION

CTA is arguably the most influential contemporary theory of action. Given this, it is worth reflecting on the motivation behind this approach to the status question. Why might one try to provide a causal analysis of action? Post-Davidson, interest in causal analyses of action has been due largely to a conviction that reasons explanations are causal explanations. Theorists did seek analyses before 1963, so we should look for independent reasons for investigating this possibility. Beyond a view of reasons as causes, what might lead someone, firstly, to attempt to give a causal analysis of action, and secondly, to believe, methodologically, that this was the way to go, despite lack of consensus about the success of actual attempts?

1) One very general possibility stems from interest in the metaphysical categories of activity and passivity. Recall that, in 'Action and Responsibility', Joel Feinberg used these categories to define metaphysical interest in action: '... the concern is to distinguish activity from passivity as very general conceptual categories ...'.²⁵³ One might reasonably think that central to the notion of activity is a person's *causing* things to happen. Analysing action in terms of causes and effects might be a way to delineate these categories. Actions would be treated as something we especially cause, or as events through which we exercise our causal powers. If such phenomena can be used to distinguish the active from the passive, and if action is paradigmatically active, then causes and/or effects of events that are actions seem to be very close to the heart of metaphysical interest in action.

However, it is at best an open question whether 'action' is the right place to look with regard to delineating these metaphysical categories. Indeed, I think that approaching action from this perspective is quite wrong-headed. People do things, their *behavior*, which we might not want to equate with action. All action is behavior, but not all behavior is action. Examples of the latter might include such phenomena as breathing, reflex movements, laughter, maybe scratching an itch. There are also subcategories of behavior that are not action, or not just action. Consider—someone asks me what I am doing, and I answer 'Turning off the computer', even though I am sitting still, not apparently doing anything. This is a reasonable answer, even though no activity seems to be in performance—I have pressed some buttons and I am waiting for the computer to finish turning itself off. This is a very small example of a project. Sitting still, looking at a computer screen, I could cite larger projects—'I'm writing a book.' This is behavior, and it is active in

²⁵³ Feinberg, 'Action and Responsibility', p. 157.

a way, but it does not seem appropriately deemed an action. Moreover, we can reasonably cite inactivity, or at least inaction, as an answer to such questions: 'What were you doing?' 'Sleeping.' Omitting these, in general there is a grey class of activities about which we are not sure whether they count as action or not.

Further, consider ethology. Ethology is the study of animal behavior. It is not clear that we want to say that non-human animals *act*. Maybe apes and chimpanzees act, but what about dogs? Spiders? Single-celled organisms? Again, we might expect a range of cases where we are, pretheoretically, not sure what to say. In the interpretive framework of one theory, it will seem as if all creatures, down to single-celled organisms, and perhaps including plants, act. In another account, 'action' will be so circumscribed as to exclude much of what people do. Clear-cut answers to these questions should be scrutinized very carefully. We should thus be wary of taking 'action' to be the focal point for inquiry into the differences between activity and passivity as conceptual categories.

Indeed, the philosophical terrain has shifted in a way that reflects awareness of this point. Action theory reached its popular heyday from the 1950s to the 1970s. Things have since changed. With the growing naturalism movement in philosophy, study has shifted from action to behavior. For example, Fred Dretske, in 1988, published *Explaining Behavior*. It is not unreasonable to think that Dretske, had he been working two decades earlier, would have written a book with 'action' in the title.²⁵⁴

In this light, the change from talk of action to talk of behavior has been a positive move for those interested in Feinberg's metaphysical question. What has not been seen is the implication for talk of action. Action is peculiarly linked to mentality, and all action is behavior. However, not all behavior is action. Moreover, mentality, in the sense of conscious, concept using, interpreting processes, is not essentially linked to behavior. To assume that such mentality is essential to getting about in the world is a mistake that is slowly being exorcised from theorizing about human activity. The implication for action theory is that we ought to look elsewhere for answers as to what makes some events count as actions.

The upshot is this: if Feinberg's characterization accurately represents the philosophical study of *behavior*, and if it makes sense to distinguish behavior from *action*, then 'action' is not the right place to focus if you seek to distinguish activity from passivity. At best, the metaphysical question is only part of the story to be told about actions. If particular action theorists are indeed interested in these metaphysical categories, they are likely to be disappointed by the fruits of their examinations of action.

2) Another answer is theoretical parsimony. The concept of causation is successful in other domains, and seems appropriately applied to actions, events we

²⁵⁴ There are exceptions to my generalization, of course. Charles Taylor published *The Explanation of Behaviour* in 1964. However, usage has shifted somewhat to distinguish 'behaviour' from 'action' a little more sharply. Dretske classifies behavior as those processes with causes inside the organism or system undergoing them. This is as an effort to distinguish activity from passivity as general categories. That is, it fits Feinberg's description of the metaphysical problem of action.

clearly bring about in causal chains. I am sympathetic to use of this principle when it is not clear what advantage is gained by introduction of further concepts. Sometimes this principle thwarts the clouding of difficult inquiry with mystery. In the case of action, however, no such risk is present. Actions are publicly apparent events, subject to classification in a variety of ways. Some of these ways—e.g., physical descriptions (but not only these)—sit well with causal terms. Other classifications—perhaps moral or social descriptions—are less hospitable to the causal idiom. It is a mistake to assume that non-physical descriptions rule out causal talk altogether. Arguably, an implicit fear of CTA theorists is that certain ways of treating actions would rule out causal reasons explanations. But it is not clear that this is so. If one can frame an answer to the status question that does not employ causal terms but that accommodates a causal view of rationalizing explanations, then one needs some independent matter to break the tie (assuming, charitably, that a persuasive causal analysis of action can be developed).

3) In keeping with the preceding reflections, one might suspect that interest in a causal analysis of action is driven by less weighty intuitions. We think that actions are events over which we have *control*. If one understands control in terms of causation, then perhaps a causal analysis of action is the way to explain our control over our actions. This issue is essentially the same as the issue arising once one takes a causal view of reasons explanations. One might think that implicit in the causal view of rationalizations is the idea that agents have control over their actions. If this issue is entailed by a causal interpretation of reasons explanations (it is not clear that it is, but it could well be), then it remains an open question as to whether a causal analysis of action is the way to go to address control. The possibility that it is not is suggested by my modification of the case of Carl. If one shares my intuitions that this is a hard case, part of the reason might be that a reasons-explanation of at least some of Carl's activity seems available, and this might entail a sort of control on the part of Carl, without further entailing that such control plays a part in constituting events as actions.

4) One might be interested in using a causal analysis of action to give leverage to folk psychology. There is a fairly widespread view of folk psychology as involving the interpretation of behavior in intentional terms—in terms of combinations of beliefs and desires.²⁵⁵ Causal analysts ask why this sort of explanation works. A possible CTA answer is that there is an internal relationship between mentality and action. Folk psychology works because actions logically indicate causes. This, however, is too strong. Folk psychology can be understood instrumentally.²⁵⁶ Moreover, if there were an internal connection between behavior and mentality, then we ought to be able to read non-human animal thought off of the character of their actions. But we cannot—there are familiar problems with the attribution of mental

²⁵⁵ See Jerome Bruner, *Acts of Meaning* (Cambridge, Massachusetts, 1990) for deployment of this view and for citation of others who share it.

²⁵⁶ Daniel Dennett, *The Intentional Stance* (Cambridge, Massachusetts, 1987) is the classic statement of this view.

states to non-human animals. One of these problems is that behavior is consistent with a wide variety of mental states (not an infinite variety, but the action underdetermines our identification of the causes). Furthermore, the individuation of actions is flexible. This is independently plausible—‘what’ has been done sometimes has to be decided by interpretation. However, such flexibility would be ruled out by an internal connection between actions and mentality such as that posited in CTA.

5) There is an occasional methodological tendency to pursue answers to the status question from the perspective of the agent performing the action. This is an attempt to locate a mark of action from the inside, as it were. Consider the following diagram of an action within a causal chain of events:

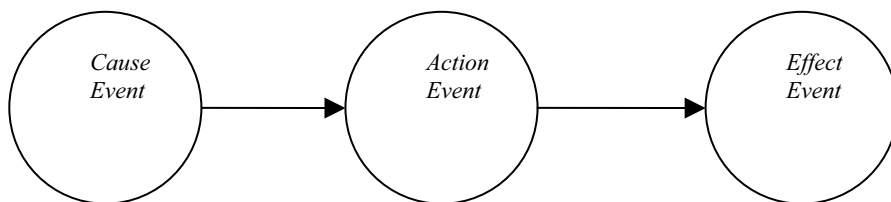


Figure 1. Action within a causal chain of events.

In action inquiry, perhaps especially when undertaken under the rubric of Feinberg’s metaphysical issue, theorists tend to take an agent-centric perspective. Agents are located at the centre of the topic and answers to questions about actions are framed from the agent-out. From this perspective, actions look like the projects of the agent—they are events over which the agent has control, or which s/he causes. The question, from this perspective, is how to fit the agent and this special sort of events into the larger chain of other events which are not actions but which are causally related and to which the agent and his/her actions are closely related. If we can give a special sort of causal explanation of actions and agency, then these special sorts of thing and events will fit into the causal world unproblematically.

I have deep sympathies with the desire to fit agents and actions seamlessly into the event-causal world at large. But it is not necessary to address these matters from the perspective of the agent. On the contrary, an external perspective, *ex post facto*, should be explored. In shifting perspective I am following the lead of our lay taxonomy of action identification. We identify actions all the time without worrying about their causes overly specifically—grossly apparent causes suffice for identification. It would be very strange if actions turned out to need an analysis in terms of events not readily apparent to a glancing eye.

The agent-centric approach is ‘inside-out’. However, our folk taxonomy takes an ‘outside-in’ perspective on actions and their causes. We have seen these perspectives at work in our examination of attempts to develop causal analyses of action. It turns out that CTA is characterized by the inside-out perspective that abandons the

everyday stance used in identifying actions. I'm inclined to think such abandonment is a mistake. By contrast, causalism_R sticks to the outside-in perspective. This is exemplified in the main argument in 'Actions, Reasons, and Causes':²⁵⁷ we are to imagine asking, of an action that we have before us, why it was performed. The question is naturally put from the third-person, it relies on unproblematic identification of an action from the third-person perspective, and it does not provide a natural opportunity for asking questions from the agent's perspective *before* the action was performed.

Let me suggest that the move to the inside-out perspective is a mark of foundationalism in philosophy of action. This explanatory perspective lends itself easily to thinking of actions as stemming from an ontologically special core, associated somehow with the viewpoint of the agent. Approaching the status question from an inside-out explanatory perspective makes it virtually irresistible to lay some sort of ontologically privileged foundation out of which to build normal, complex actions. CTA theorists take a fairly sophisticated approach with their appeal to basic actions. If foundationalism is a dubious explanatory strategy, and if

²⁵⁷ In more detail: He asks us to think of familiar patterns of explanation of actions in terms of reasons. About some person's action, we can ask, 'Why did s/he do that?'. The typical answer to such a question cites a reason the person had—e.g., 'To get to the other side.'—which somehow explains the action. Davidson asks what the relation is between the action and the reason in such a case. His method is to start with an everyday practice and to inquire as to what the world must be like for this to work. Our interests in this sort of question are, perhaps, firstly with what, from the agent's perspective, *justified* the action (called for it, made it seem appropriate). However, Davidson notes that for a reason to serve this justificatory role, it must also stand in some other relation to the action. For an agent can see an end or an action in a certain way that would serve to justify it, yet not perform the action. Also, an agent can see an end or action in a certain way *and* perform the action, but not *for* that reason. To meet our explanatory interest, the agent must also be motivated by the reason. To be motivated by a reason is to act *because* of it—i.e., it is for one's action to be caused, somehow, by that reason. Thus, in order to make sense of our ordinary practices of soliciting and offering rationalizing explanations of reasons, reasons must be causes. For present purposes, the idea is that the identification of the event as an action is given; the issue that turns one to the agent's perspective is why it seemed favorable. There is no argument in Davidson's paper that connects such production issues, amounting to causalism_R, with status issues.

this inside-out explanatory perspective is deeply linked to foundationalism, then we ought to be wary of answers to the status question framed from an inside-out perspective.

I conclude that the motivation for searching for a causal analysis of action is not strong. These reflections add weight to my prior contention that this sort of approach to the status question is not necessary. Consequently, these reflections strengthen my claim that, divorced from dubious production arguments, the appeal to basic actions in one's answer to the status question begs the question.

CHAPTER 8

NOUVEAU VOLITIONISM

1. INTRODUCTION

Once upon a time, action theorists were enthusiastic about citing such phenomena as volitions, willings, acts of will, and other mental items in answers to the status and production questions.²⁵⁸ Such theories are commonly lumped together under the label *volitionism*. These approaches to action are no longer very popular, but some contemporary theorists hold positions with affinities to these volitionist ones. These contemporary theories are here called *nouveau volitionism*, to signal both the continuity with the past and changes from older positions. I will be examining the work of Brian O'Shaughnessy, Hugh McCann, and Jennifer Hornsby as examples of *nouveau volitionism*. All three theorists give primacy of place to the phenomenon of trying (or striving) in their discussions of production and status issues.

Despite their similarities, these three positions differ from each other in very important ways. McCann is the most emphatic of the three that 'action' is primitive, and hence not open to explication in more fundamental terms. Consequently, he resists providing an explicit answer to the status question. Nevertheless, he uses productionist reasoning to address a matter closely related to the status question. O'Shaughnessy is the most complex of the three. I will treat his position as akin to McCann's, but some things he says are agreeable to strong productionism, while other remarks point to outcome productionism. Nevertheless, he is the origin of an argument—the liar/onlooker argument—which is central to *nouveau volitionism*, and which is hence worth examining regardless of O'Shaughnessy's many faces on the status question. Due to its centrality to *nouveau volitionism*, this argument will be central to my critical attention of this broad approach to the status question. Finally, Hornsby is an outcome productionist: she thinks that it is the effects of an event that make it an action.

This variety gives us some reason to wonder whether I ought not to speak of *nouveau volitionisms* instead of *volitionism*. However, given that all three theorists appeal to trying as fundamental to action, there is enough important continuity between them to warrant scrutinizing them together. The result of the examination of these three positions will be a robust assessment of the prospects for *nouveau volitionism*. I will start with O'Shaughnessy.

²⁵⁸ See Hornsby, *Actions*, pp. 46-7 for a lengthy list of philosophers who have proposed such accounts.

2. BRIAN O'SHAUGHNESSY

Late in *The Will*, O'Shaughnessy undertakes to show both his affinities with and differences from old volitionism. He does this by explicitly examining the status question: '... what is the principle of membership of the class of acts?'²⁵⁹ This is O'Shaughnessy's most explicit examination of the status question, so it warrants close attention. The old volitionist answer cites, oddly enough, actions of a particular kind: '... whatever is an act must be an event that is such that there exists a voluntary act that consists in the chosen and immediate bringing about of that event.'²⁶⁰ To examine how something is brought about is to examine how it is produced, perhaps even how it is caused. So, old-fashioned volitionists are productionists: they turn to how an event is produced to determine whether it is an action.

As things currently stand, not much of an answer has been given to the status question. The obvious question now is the principle of membership in the more fundamental category of voluntary actions.²⁶¹ O'Shaughnessy rejects a variety of alternatives, finally presenting, fairly favorably, the old-style volitionist answer: voluntary actions are those caused by a volition. O'Shaughnessy rejects this, but only for construing volitions as inner events that cause whatever phenomenon that is willed.²⁶² In place of this, for reasons that we need not examine here, O'Shaughnessy suggests that, '... a *non-autonomous-part* of an act-of-the-will-event—that manages yet to be an act-of-the-will-type part-event—causes any ϕ that is willed . . .' [O'Shaughnessy's emphasis].²⁶³ O'Shaughnessy's adjusted volitionism reads, 'When a voluntary act ϕ of ϕ -making occurs, then ϕ falls under "Event that some voluntary act is the bringing about of", because ϕ is suitably caused by a *non-autonomous* act of the will.' [O'Shaughnessy's emphasis].²⁶⁴ The voluntariness of this act of the will is intrinsic, derivable from nothing else. O'Shaughnessy thinks that strivings, or tryings, are such intrinsically voluntary acts of the will. These events are not to be thought of as inner causes, as volitions were, but as identical to the (physical) actions they succeed in bringing about. Hence, '[t]he volition is a myth and striving is not.'²⁶⁵ Trying is the psychological and bodily reality that old-style volitionists circled around but never quite pinned down. It is because strivings are presented as both intrinsically active and identical to the physical actions they bring about that O'Shaughnessy is best cast as holding that 'action' is basic, not to be explained in other terms.

O'Shaughnessy's appeal to strivings to answer the status question works only if we in fact try or strive to do all of the things we do. Many doubt this. It makes sense

²⁵⁹ Brian O'Shaughnessy, *The Will: A Dual Aspect Theory*, Vols. 1 & 2 (2 vols, Cambridge, 1980), vol. 2: pp. 242-3.

²⁶⁰ O'Shaughnessy, *The Will*, vol. 2, p. 243.

²⁶¹ O'Shaughnessy, *The Will*, vol. 2, p. 243.

²⁶² O'Shaughnessy, *The Will*, vol. 2, p. 259.

²⁶³ O'Shaughnessy, *The Will*, vol. 2, p. 259.

²⁶⁴ O'Shaughnessy, *The Will*, vol. 2, p. 259.

²⁶⁵ O'Shaughnessy, *The Will*, vol. 2, p. 260.

to speak of trying to do the things I fail to do, but it does not obviously make sense to speak of trying to do the things I do unproblematically. Unless O'Shaughnessy delivers the omnipresence of trying in action, his position fails regardless of its foundationalism.

O'Shaughnessy's best (and most famous) argument for the omnipresence of striving in action is the liar/onlooker argument. This argument takes a closer look at the connection between the possibility of failure and invocations of tryings. Suppose someone wants to start a car, but is doubtful of the car working. When this person turns the key, s/he will think of him/herself as 'trying to start the car'. This is the familiar case that ties invocation of tryings to doubt. Now consider a second scenario: a person sets out to start a car, certain of success. We are watching, and we doubt that the car will work. When the person turns the key, s/he will think of him/herself as 'starting the car', but the onlookers will describe him/her as 'trying to start the car'. There is doubt here, and it lends itself to the invocation of trying, but the doubt is present to a third-person perspective and not to that of the agent. O'Shaughnessy develops this idea to argue for the omnipresence of trying in action. Imagine that someone is watching another person set out to start a car. The observer knows that a) the potential driver is a pathological liar; b) the car is very unreliable; and c) the liar has urgent reason to get away from the present scene. The person gets into the car, announcing, 'I'm going to drive off now.' Since the observer knows that the would-be driver is a pathological liar, s/he has excellent reason not to believe this announcement. The observer also believes that the condition of the car will prevent the liar from driving: the car will not start. However, unbeknownst to the observer, the liar has just had the car repaired. The liar thus has every reason to believe the car will start. Because the skeptical onlooker knows of the liar's urgent need to leave, s/he can be confident that, at the very least, the liar will try to start the car. O'Shaughnessy thinks that we can say that the onlooker in fact knows this to be true:

Therefore, the car-starter is trying, even as he is more than trying, i.e. even as he is engaged in starting the car. (For he *is* starting it.)

Thus, the presence of scepticism in the onlooker has the effect of blotting out a fact from from view, viz. that the activity of the pathological liar is a starting of the car; but in doing so, it lays bare a second fact. It seems that the sceptical but rational standpoint of this onlooker has uncovered a trying that must be present *whenever* anyone performs an instrumental task.²⁶⁶

'Instrumental' actions are normal, complex actions such as those contrasted with basic actions in Chapter Six. O'Shaughnessy contrasts them with simple, physical actions in this early paper. In *The Will*, he contrasts them with basic actions, understood as limb movements.²⁶⁷ To show that we try whenever we succeed in producing a simple physical movement, O'Shaughnessy recasts the liar/onlooker argument. Suppose that the liar is recuperating from an injury to his/her arm. The

²⁶⁶ Brian O'Shaughnessy, 'Trying (as the Mental "Pineal Gland")', in Mele, *The Philosophy of Action*, p. 56.

²⁶⁷ O'Shaughnessy, *The Will*, vol. 2, p. 94.

liar has surprisingly made a dramatic recovery. The skeptical onlooker has been talking to an ignorant doctor who claims that the liar will not be able to move the arm for weeks. The liar, on the other hand, has been talking to a different doctor, a specialist, who delivers the news that s/he will be able to move the arm as soon as bandages are removed. All gather, and bandages are removed. As it happens, the observer knows that the liar has a powerful incentive to move his/her arm at a given signal. The liar announces, 'I'll move it now,' and the onlooker has excellent reasons for doubting this. However, given the knowledge of the incentive, s/he thinks, 'I'm sure s/he will try to move it.' O'Shaughnessy's conclusion:

And this is something he *knows*, for he knows the psychological context; and therefore it is something that is *true*; and so this person who knows he has a normal arm tries to raise it when he raises it. *Therefore, when anyone who is aware that he can raise his arm, proceeds then intentionally to raise that arm, he also tries to do what he actually did and knew he could and would do.* [original emphasis]²⁶⁸

The combination of the two liar/onlooker scenarios demonstrates the presence of tryings in both instrumental and simple, physical actions. These are purportedly the only two kinds of actions there are, so, if they are sound, the liar/onlooker arguments show the omnipresence of trying in action.

Suppose that we accept, on the basis of the liar/onlooker argument, that striving is always present when someone acts. The question to ask is what sort of role trying has in action. Is it criterial of action, a phenomenon that at least helps make an event count as an action? Or does it play merely a necessary role in the bringing about of actions? That is, does trying serve a production purpose, a status purpose, or both? The liar-onlooker arguments are production arguments only. The onlooker's perspective screens off the certainty that attaches to justified confidence in acting, and in so doing reveals that normal actions and simple physical actions are produced by tryings. But this observation alone warrants no status usage of tryings. Extra argumentation is needed to move from the omnipresence of tryings in the causal processes that produce actions to the invocation of tryings as action-makers. For this latter purpose, one would need at least to show that this necessary condition of the occurrence of action is most fundamental, more revealing of the kind, 'action', than other necessary conditions, both productive and otherwise. O'Shaughnessy does not provide this sort of argument.

It is worth noting the foundationalism of O'Shaughnessy's position. O'Shaughnessy divides actions into (at least) two kinds: those whose status as actions must be vindicated via appeal to something else, and those whose status as actions is intrinsic and hence in need of no further legitimation. The second class of special, self-legitimizing actions—tryings—is used to deliver the action-status of the members of the first class. Finally, the members of the first class are all of the normal actions we recognize unproblematically, while the members of the self-legitimizing class are special and not obvious candidates for inclusion in our lay taxonomy of actions. What reasons are there for thinking that strivings are intrinsically active, i.e., that they are events that intrinsically count as actions? One answer seems to be status pressures; this is the sort of consideration marshaled in

²⁶⁸ O'Shaughnessy, 'Trying (as the Mental "Pineal Gland")', p. 61.

O'Shaughnessy's examination of the volitionist approach to the status question, which is also his own most explicit examination of this matter. This would be adequate only if productionism is logically necessary. Given the presentation of a non-productionistic account of the status question in Chapters Two and Three of this book, we have some reason to think that productionism is not logically necessary. Consequently, independent reason is needed for thinking that strivings are intrinsically active.

O'Shaughnessy argues for the act-status of tryings in a variety of places by citing what they have in common with ordinary actions. For example, '... at first blush there is much to support the thesis that tryings are *actions*. For we can desire and decide and intend and choose to try; and we can be ordered to try or stop trying; and our tryings come as no surprise to us; and we can give act-type reasons which are *our* reasons for our tryings.'²⁶⁹ None of this, of course, shows that tryings are a special sort of action, and I have been unable to locate persuasive considerations for accepting O'Shaughnessy's foundationalism.²⁷⁰

If we give up the idea that strivings are intrinsically active, then O'Shaughnessy's position becomes very much like the CTA examined in Chapter Seven. It would be necessary and sufficient to count as an action that an event is the immediate effect of a desire-to-act, and as such gives expression to that desire. If O'Shaughnessy is forced to this sort of position, then he has to reckon with the problems of causal deviance that plague CTA. His position is currently not equipped to deal with such problems. Stipulating that trying is the immediate effect of a desire-to-act, or that action must be such immediate effects, is exactly that: stipulative, and hence either unenlightening or question-begging on the link between event and action-making causes.

The passage citing marks of action brings us to our final example of O'Shaughnessy's productionism. We have already seen that O'Shaughnessy uses the distinction between basic and instrumental actions. He does not argue for this distinction, but he puts it to important use. Shortly after his discussion of basic act tryings and desires, he turns to instrumental act desires.²⁷¹ He claims that basic act desires have a natural tendency to produce the items that are their objects—movements of the limbs—but that instrumental act desires have no such natural tendency. Instead, instrumental act desires 'push towards' basic acts that can be possible causes of the objects of instrumental desire. Putting aside the claims about 'naturalness' that lack the kind of empirical support such claims need, we should be suspicious of this complex causal edifice. The explicit topic here is how instrumental act desires bring about instrumental actions—a production topic. Even if we admit the marks of action just introduced, we should be suspicious of this proffered link between instrumental and basic actions. For surely normal, complex actions can be chosen, intended, *etc* without intermediary actions. This was the endpoint of the argument of Chapter Six. The assumption driving the present argument is very

²⁶⁹ O'Shaughnessy, *The Will*, vol. 2, pp. 46-7.

²⁷⁰ A warning is warranted here. Of all the topics about which O'Shaughnessy's detail of argument might have hidden the answer from me, this is the one that concerns me most.

²⁷¹ O'Shaughnessy, *The Will*, vol. 2, p. 115.

dubious foundationalism. In terms of production, the assumption is that actions can be produced only by more fundamental actions. In terms of status issues, the assumption is that complex actions have to be vindicated *qua* actions by more foundational actions. Both ideas are independently dubious; Chapters Two through Six examine answers to both production and status issues that utilize neither assumption.

3. HUGH MCCANN

Hugh McCann is an even clearer non-reductive volitionist than O'Shaughnessy. Non-reductive volitionism denies that action can be analyzed or legitimated via reference to other, non-active phenomena. Being active, on such a view, is primitive, *sui generis*. McCann holds such a view. He thinks normal actions are grounded in internal doings of the agent, '... and ultimately in mental activity of the sort traditionally known as volition.'²⁷² McCann, like O'Shaughnessy, grounds action ultimately in trying. He explicitly follows O'Shaughnessy's liar/onlooker argument for the ubiquity of tryings in action.²⁷³ All of this makes McCann a *nouveau* volitionist.

At base, if one takes a non-reductionist approach to the status question, then one strictly speaking either has no answer, or denies that there is much of an issue. Certain events are intrinsically active on such a view. Given this, it might be difficult to see why non-reductive volitionists would be included in a book dedicated to exposing the problems of productionistic approaches to the status question. Despite this, McCann is a productionist, and he displays this in his examination of an issue very closely linked to the status question. I will examine his arguments on this matter to expose productionism even in strictly non-reductionist positions on the status question.

The matter at hand is what McCann calls the 'action-result problem'.²⁷⁴ The term 'result' here means an event intrinsic to an action. Such an event is necessary for the action in question to happen, but not sufficient.²⁷⁵ For example, if I kill someone, that person dies. The event of that person dying is necessary for my action of killing that person, but not sufficient for it: the person could have died without me killing him/her.²⁷⁶ We have seen this idea already, from John Bishop. The action-result problem is the matter of specifying, '... how it is, when events and processes qualify as results of human actions, that they do so qualify.'²⁷⁷ This is very similar to what I have called the status question: how do events come to count as actions. We will reflect on McCann's reference to 'results' on this sort of issue in due time.

²⁷² Hugh McCann, *The Works of Agency: On Human Action, Will, and Freedom* (Ithaca, New York, 1998), pp. 4-5.

²⁷³ McCann, *The Works of Agency*, p. 96.

²⁷⁴ McCann, *The Works of Agency*, p. 77.

²⁷⁵ McCann, *The Works of Agency*, pp. 76-8.

²⁷⁶ McCann, *The Works of Agency*, pp. 76-7.

²⁷⁷ McCann, *The Works of Agency*, p. 77.

To get started on this issue, McCann points out that, besides results, actions also have *consequences*. These are effects that are not intrinsic to the action in question. My killing of Smith, for example, could cause grieving in other people. Under their present technical meanings, the grieving would be a consequence, but not a result, of my action of killing. The distinction between results and consequences helps with the action-result problem in the following way: the result of one action often has consequences that are themselves the results of other actions. Consider: I perform the action of shooting Smith. The result of this action is the entry of a bullet into Smith's body. Smith's death is a consequence of the act of shooting, but not a result of it. Instead, Smith's death is the result of the act of killing Smith, which is done by shooting him. In this case, the killing of Smith is causally non-basic, and the shooting of Smith is causally more basic than the killing of him. Importantly, the shooting of Smith does not cause the action of the killing of Smith. It causes his death, the event intrinsic to the action of killing him.²⁷⁸ The event intrinsic to the causally non-basic act counts as a result of that action because it is brought about through the performance of a causally more basic action.

Before proceeding with the rest of McCann's examination of this issue, it is worth scrutinizing his productionism. McCann assumes, without argument, that the place to look to ensure that an event is intrinsic to an action is its causal history. In short, McCann automatically turns to how an event is produced to determine whether or not it is intrinsic to an action. We know that this is one theoretical move among others, and as such its choice requires defense. Such defense is not here provided. One can speculate that McCann's terminology builds a productionist bias right into the problem. He calls this the action-*result* problem. Speaking of results, while perhaps a legitimate interpretation of these phenomena, invites one to turn to the origin and manner of production of the events in question. But we have already seen other theorists—e.g., John Bishop—speak of the same phenomena without calling them results. If one instead speaks only of events intrinsic to actions, or events necessary but not sufficient for the occurrence of actions, then the origin and manner of production of such events is not so clearly the first place to look in explaining how such events come to be intrinsic to actions.

So far, McCann's answer to the action-result problem looks like this: causally non-basic action *A* has result *X*. *X* is the consequence of causally more basic action *B*, which has result *Y*. *X* counts as the result of *A* because *A* is performed through *B*, and *X* is a consequence of *B*. However, there is still result *Y* to account for. It might be the case the *B* is performed through causally even more basic action *C* with result *Z*, such that *Y* is a consequence of *C*, but now there is result *Z* to account for. Without a different sort of account of how an event counts as a result somewhere, a vicious regress will be generated, such that either there are no actions at all, contrary to all expectations and appearances, or this argument is deeply flawed.

McCann turns to mental activity to end this regress. Unlike normal actions, mental acts do not have results.²⁷⁹ For instance, in the thinking of one's childhood home, there is no event necessary but not sufficient for this action. There is no

²⁷⁸ McCann, *The Works of Agency*, p. 78.

²⁷⁹ McCann, *The Works of Agency*, p. 84.

mental analogue to the dying of Smith. If mental acts can play a role in the process that makes events into results of actions, then the regress will halt: there will be no further results to account for. The kind of mental action McCann settles on is trying.²⁸⁰ As already noted, he follows O'Shaughnessy's liar/onlooker argument for the omnipresence of trying in action. Such mental actions are causally basic: they are not part of a sequence in which the result of a given action is caused by a more fundamental action.²⁸¹ This is due to the fact that there is no result here to be so caused. So, normal actions with results are all grounded in causally basic mental actions with no results.

At this point in the story, McCann's foundationalism should be evident. He divides actions into two categories: normal ones with events intrinsic to them, and special ones with no such events. The special ones are invoked to ensure the intrinsic-to-action-status of the events intrinsic to normal actions. We already know that we ought to scrutinize foundationalism when we find it, and to expect special argumentation justifying it. Such argumentation is not provided by McCann.

It is worth reflecting on the use of O'Shaughnessy's liar/onlooker argument. McCann, like O'Shaughnessy, uses the argument to support the idea that whenever we act, we try to act. This is most naturally taken as a claim about the production of actions. As we have seen, the argument uses the third-person perspective to reveal something about the production of easy, expected actions. By itself, the liar/onlooker argument licenses no status usage of tryings. The liar/onlooker argument does not deliver foundationalism of any kind. Hence this argument cannot serve as the extra sort of argumentation for foundationalism needed by McCann.

McCann's solution to the action-result problem has the following form: without argument, McCann turns to the causal history of events to explain how they come to have a certain status. There are two problems here. Insofar as claims are being made about the production of actions, it is not clear that the right sort of inquiry is being performed. This is an empirical issue, calling for some degree of empirical inquiry, but nothing of the sort is provided here. Second, it is assumed that being the consequence of an action is enough to make an event the result of another action. Recall that 'result' here is to be contrasted with event-that-is-not-intrinsic-to-an-action. But suppose the production claim is correct, and that some actions are in fact produced through others. The production issues need not have any bearing on the near-status ones. Being a consequence of an action might be irrelevant to being a result of a less basic action. The relevance of production claims to this sort of issue has to be argued for; it cannot be taken for granted. McCann, however, takes it for granted.

McCann's position is driven by a familiar and implausible assumption: for an event to be intrinsic to an action, it must be caused by an action. This is a very dubious conflation of production and status issues. Consider a different sort of example: for an event to be intrinsic to a crime, it must be caused by a crime. This is plainly false: for an event to be intrinsic to a crime, it must be against the law. Facts about how the event is produced might get the would-be criminal off the hook, but

²⁸⁰ McCann, *The Works of Agency*, p. 104.

²⁸¹ McCann, *The Works of Agency*, p. 87.

they would not make the event itself intrinsic to a crime. Crucially, in this case, it is contextual factors that, at least in part, give the event a certain status. McCann, like the other productionists we have so far examined, does not consider this sort of answer to his problem.

4. JENNIFER HORNSBY'S OUTCOME PRODUCTIONISM

Let's return to O'Shaughnessy, this time to aspects of his position that I have so far not addressed. They have not been addressed because they are less representative of O'Shaughnessy's overall position than his non-reductive and strong productionist themes. Nevertheless, they are there, and they make a suitable introduction to outcome productionism. In a variety of places, O'Shaughnessy argues that there is an internal relation between trying and the events that tryings produce. For example, he argues that tryings are not independently specifiable except as would-be causes of physical events.²⁸² In other words, '... [trying to raise one's arm] is essentially: an *x* which in the state of psychophysical normality, world permitting, is sufficient to cause arm rising.'²⁸³ It is a short step from this to the idea that the status of an event as an action depends on what it does or can produce—in other words, on its putative outcome. This sort of position is here called *outcome productionism*.

Jennifer Hornsby is an outcome productionist. We have already seen, in Chapter Six, that Hornsby is committed to problematic productionism. There, problems with her defense and use of the notion of basic actions were discussed. I will approach her position in different terms in this section.

Hornsby argues that all actions are tryings that have intransitive bodily movements (movements_i) as effects. Unlike O'Shaughnessy, Hornsby thinks that tryings that produce no effects are not actions. Hence the effect of a trying is crucial for it to count as an action. This makes Hornsby a clear example of an outcome productionist. Also unlike O'Shaughnessy, Hornsby conceives of tryings as internal events.²⁸⁴ Her argument for this is as follows: tryings that fail are clearly internal events. Since it makes no difference to a trying *qua* trying whether it succeeds or fails, tryings that succeed are also taken to be internal events. Hence actions are internal events which cause movements_i.

Crucially, the movements_i caused by a trying are not part of the action.²⁸⁵ This means that when a trying has various effects, just one action occurs. One trying can produce a bodily movement, the pulling of a trigger, the entry of a bullet into a body, and the death of another person. Since there was just one trying, Hornsby thinks there is just one action here, multiply describable in terms of its various effects.

Since tryings are internal to our bodies, they are not publicly accessible. Moreover, we clearly refer to actions in terms of overt, public happenings, such as killings and buyings of newspapers. This means that when we describe an event as

²⁸² O'Shaughnessy, 'Trying (as the Mental "Pineal Gland")', p. 65.

²⁸³ O'Shaughnessy, 'Trying (as the Mental "Pineal Gland")', p. 65.

²⁸⁴ Hornsby, *Actions*, pp. 44-5.

²⁸⁵ Hornsby, *Actions*, p. 111.

an action, we must be referring to it in virtue of its effects.²⁸⁶ It is the effects of a trying that make it an action, and it is the effects of the trying that are publicly accessible.

If this sort of position is going to be persuasive, then all actions must be produced by tryings. We have seen this issue arise with both O'Shaughnessy and McCann. Hornsby resolves it in the same way as the other nouveau volitionists: she follows O'Shaughnessy's liar/onlooker argument.²⁸⁷ However, since it has been noted that Hornsby and O'Shaughnessy disagree about whether tryings are internal to the body, Hornsby needs extra argumentation to support her contention that they are. She offers the following on this matter:

[Following the linguistic thesis that movements_T (transitive) of the body are events that cause bodily movements_I]: Whatever events they are that cause the body to move_T they presumably occur inside the body (if they can be located anywhere). But movements_T cause the body to move_I. And actions are movements_T. Thus, given only the unquestioned claim of the linguists, all actions that are movements_T occur inside the body.²⁸⁸

She shortly asserts that the case is no different for actions that are not movements_T: they also occur inside the body.²⁸⁹ However, the admission that there are actions that are not movements_T weakens the force of this argument. These sorts of actions largely disappear from Hornsby's argument at this point. However, their existence indicates that the idea that actions are movements_T cannot be taken for granted. Obvious counter-examples, such as mental action, show that this idea is not a logical, *a priori* truth. Consequently, this idea needs explicit argumentation. Importantly, this sort of idea invites a foundationalism with which we are already familiar: complex actions are cast as grounded in special sorts of bodily movements. In Hornsby's case, the complex actions are identified with internal bodily events.

Hornsby's clearest candidate for an argument that actions are movements_T is an anti-infinite regress argument, following Ryle:

[Against old-style volitionists]: The objection starts with the assumption that the philosopher under attack takes the occurrence of conations to distinguish between 'mere bodily movements' and the voluntary movements that are actions. It is said then that a conation, in order to serve the role it is meant to play, must itself be a voluntary action. But, according to the conationist, to be a voluntary action a thing must be caused by a conation. So, there must for each conation be another. But then for any action there must be an infinite series of different actions. And that is absurd . . .²⁹⁰

Later, Hornsby notes that, 'The lesson of Ryle's argument about action was that one should not say *both* that in order to do something a person must perform a conation which causes his action, *and* that conations themselves are actions.'²⁹¹ An infinite regress is generated if conations—tryings—are both necessary for actions

²⁸⁶ Hornsby, *Actions*, p. 111.

²⁸⁷ Hornsby, *Actions*, pp. 33-5.

²⁸⁸ Hornsby, *Actions*, p. 13.

²⁸⁹ Hornsby, *Actions*, pp. 13-4.

²⁹⁰ Hornsby, *Actions*, pp. 48-9.

²⁹¹ Hornsby, *Actions*, p. 117.

and themselves actions. Hornsby chooses the latter, but not the former conjunct. This dovetails nicely with her contention that when a trying produces a series of effects, there is just one action. The effects are not themselves actions. On the present matter of treating this as an argument for seeing actions as movements_T: Hornsby follows the volitionist in using conations to distinguish between mere movements and actions. That is, the present anti-infinite regress argument is generated by consideration of the status question. One kind of difference there might be here is that some movements are transitive, while others are intransitive. Hornsby (and by extension the old-style volitionists) exploits this difference to devise an answer to the status issue. As we have already seen, this is a foundationalist strategy. It is important to recall that the liar/onlooker argument for the omnipresence of tryings in action accords them a production role only. No status usage of tryings is licensed by this argument alone.

It is a bit difficult to see the force of Hornsby's argument. The volitionist seems to assume, and Hornsby does not explicitly renounce, that to count as an action, an event must be caused by an action. This is a bad idea, regardless of worries about infinite regresses. Since we have examined it already—a version of it was addressed in the discussion of McCann—we will not dwell on it here. To avoid the vicious regress, Hornsby claims that tryings are actions, but that their effects are not. This move, however, seems to take away the theoretical motivation for appealing to conations in the first place. If the caused events are not themselves actions, then there seems to be no need to find anything to distinguish them from movements that are not actions. One could perhaps follow McCann and see the effects of tryings as divided into consequences and results of actions. This would turn the status issue into the action-result problem, and we have already seen the weaknesses of McCann's volitionist approach to this matter. One way or the other, Hornsby's use of this anti-infinite regress strategy is problematic.

It is not the status issue alone that generates this curious appeal to vicious regresses. It is the status issue combined with an appeal to the production of events in an effort to provide an answer to it. This is productionism. Here, as we have already seen in Chapter Six, Hornsby's productionism manifests itself in dubious foundationalism: a special sort of event is proffered to account for the action status of the normal sorts of actions we recognize independently of theoretical concerns. Since the productionist strategy is one among others, to choose it must be somehow defended. Since it here results in curious and problematic arguments, its choice is not vindicated by its success, and no other arguments have been offered in its defense. The present reflections, combined with the look at Hornsby's position in Chapter Six, give us reason to think that outcome productionism, nouveau volitionism, and perhaps even productionism *tout court* need more defense than they have received in contemporary discussions of action.

5. CONCLUDING REFLECTIONS—THE LIAR/ONLOOKER ARGUMENT

Perhaps the strongest aspect of nouveau volitionism is the liar-onlooker argument for the ubiquity of trying in action. This is shared by all three of the theorists

examined here. Given that this is one of the few things they have in common, this argument is worth a little examination. If it is not as strong as it appears, then we have a further very important reason to worry about the strength of nouveau volitionism.

The liar/onlooker argument exploits the connection between the invocation of trying and the failure of action. When someone fails in something they set out to do, it is common for that person and others to say that the person tried to perform the action. It is not common for us to invoke tryings when we succeed at what we set out to do. O'Shaughnessy's argument shifts the psychological context of expectation of failure away from the agent and to an onlooker. So, if someone expects an agent to fail in doing *X*, then that person can describe the agent as trying to do *X* even if the agent him/herself does not expect to fail. Those who use this argument claim that the onlooker's ascription of trying to the agent is accurate even when the agent succeeds easily. The expectation of failure from a third-person perspective screens off our normal access to routine, successful actions and purportedly reveals the fact that they are all produced by events of tryings.

Frederick Stoutland has pointed out that this argument depends upon the assumption that what we can legitimately invoke in an explanation of failure of action can also be legitimately invoked in an explanation of success in action.²⁹² In justificatory explanations rather than production ones, this assumption is contentious at the very least. Stoutland offers this example: if a meeting is being held in a room, citing this fact can provide a sufficient justificatory explanation of one's entry into that room. But if there is no meeting there, the ascription of mental states becomes appropriate for seeing one's entry as rational. So, one has to describe the person as *believing* that there is a meeting in the room, or as *trying* to find the meeting, to provide a justifying explanation of the person's entry into the room. Such mental states are not automatically clear candidates for inclusion in justificatory explanations of success.

This argument provides reason to give the liar/onlooker argument about the production of actions a second look. Expecting failure, the onlooker ascribes trying to the liar. When the liar succeeds, is the ascription of trying still warranted? If Stoutland's point can be applied to the production of actions, then nouveau volitionists need to add steps to this argument to demonstrate that the transfer of ascriptions of trying from contexts of failure to those of success is appropriate. No such argumentation has been examined in this chapter.

Exploring the details of the prospects of such a case—whether it essentially is already present in nouveau volitionism; how much work volitionists would have to do to construct such an argument; whether such an argument can be constructed at all—would take us too far afield from the concerns of this book to pursue. However, let me suggest a different reason to think that the liar/onlooker argument does not deliver what it purports to deliver. Besides assuming that items that are legitimately cited in explanations of failure can be legitimately cited in explanations of success, this argument assumes that there is just one way, at base, that actions are produced.

²⁹² Frederick Stoutland, 'The Real Reasons', in Jan Bransen & Stefaan E. Cuypers (eds.), *Human Action, Deliberation and Causation* (Dordrecht, 1988), pp. 60-1.

This, however, is a dubious assumption. Given that how actions are produced is an empirical issue, the question to ask at the beginning of inquiry is exactly that: 'How are actions produced?' Empirical inquiry might reveal just one way all actions are produced, but it just as well might reveal myriad ways. The conclusion to draw here is that the appropriate orientation to inquiry into the production of actions does not assume that there is just one way actions are produced.

Let me speculate that other theoretical interests generate this assumption. Interest in the status question is an obvious candidate. Whereas assuming that there is just one way that all actions are produced is clearly inappropriate at the beginning of empirical inquiry into the causes of action, assuming that there is just one mark of action is much more plausible. This assumption could also be false, but it is not as clearly problematic as the assumption driving the liar/onlooker argument about the production of actions. This gives us some reason to suspect the influence of status concerns even in an argument so clearly addressed to the production of actions as the liar/onlooker argument.

CHAPTER 9

WEAK PRODUCTIONISM

1. INTRODUCTION

Besides being foundationalist, all of the positions so far examined are also individualistic in their approach to status issues. That is, they attempt to specify what makes an event count as an action in terms of properties of individual people. Recall: CTA theorists turned to the cognitive cause of action, as well as to the manner in which the action was caused. Volitionists invoked a special sort of mental state or action as the mark of action. Since psychological states are ascribed to individual agents, using psychological states to address the status question is individualistic.²⁹³

It is time to turn critical attention to individualism. However, instead of revisiting positions that have been shown to be dubious on other grounds, I shall instead examine three individualistic but non-foundationalist positions on the status question. The theorists in question are Harry Frankfurt, Alicia Juarrero, and John Martin Fischer (along with Mark Ravizza). All three positions emphasize the manner, but not the origin, of the production of actions as providing the mark of action. Specifically, they all emphasize the control an agent has over certain kinds of behavior as central to their status of action. This makes them *weak* productionists; strong productionists emphasize the origin of action.

Individualism is not explicitly defended by any of the theorists already examined. This would not be problematic if there were good grounds to think that individualism on such matters is independently attractive. This would be the case if individualism were strongly supported by other considerations. However, I shall show that neither philosophical psychology nor philosophical reflection on the social sciences strongly supports individualism. This undermines the status of individualism as a methodological stance that can be merely assumed, and instead shows that it must be explicitly defended. Further, I shall show a pattern of argument that is weak and that makes these three positions seem stronger than they really are. I shall suggest that this pattern is rooted in the assumed individualism. Hence, once we are critical of assumed individualism, we will also see that this pattern of argument needs augmentation, which it presently lacks, to carry the weight placed on it by the present positions. More positively, I will try to leave the reader with the

²⁹³ Even when one is externalist about content or mental processing, the mental states in question are still ascribed to an individual agent. By contrast, it is theoretically possible to invoke contextual properties not ascribable to individual agents in one's answer to the status question.

impression of these positions as stronger than the ones we have already examined. Before all of this, my first task is to draw some intuitions into the open. For this we need an intuition pump.

2. AN INTUITION PUMP: SWAMP ACTION

Donald Davidson introduced the Swampman to pump intuitions about mental states and causal history.²⁹⁴ The swampman is a character who comes into existence in a split-second. This means that swamppeople have no causal history. I will use the swamp scenario to pump intuitions about action and causal history.

Consider: you are going door-to-door in a marshy locale, soliciting charitable donations. You are standing on someone's doorstep; the occupant of the house has just agreed to make a substantial donation to your cause. The person has chequebook in hand and is about to write a cheque. As the pen touches paper for the first time, lightning sizzles past your ear and hits the doorframe. The occupant of the home evaporates. To your continuing surprise, an identical replica of the person, chequebook in hand, pen touching paper, appears in the swampy flowerbed immediately to the side of the door. The pen in the doppelganger's hand begins to move. Shortly the cheque has been written and you are on your amazed way to the next house.

The question to consider is whether the swamp replica can act. Did an act of writing a cheque occur? The swamp person has no causal history. The swamp person had no beliefs, desires, intentions, or volitions prior to the movement of the pen on the piece of paper. All potentially relevant mental states belonged to the vaporized occupant of the house. There was no way that the causal chain linking vaporization to the emergence of the new person could sustain the causal efficacy of the first person's mental states.²⁹⁵ Given that the swamp-person's behavior is not caused by any sort of mental state, can it still be action?

It is clear that the theorists whom we have examined in previous chapters have to answer negatively: the writing of the cheque is not an action. Without some combination of beliefs, desires, intentions, or volitions, strong and outcome productionists have to deny that the swamp-person acts. By contrast, others, myself included, want to say that the swamp-person acts. I am inclined to say that our lay taxonomy would clearly, without hesitation, recognize the writing of the cheque as an action. At this point, of course, such clashes of intuitions amount to very little. More interesting is the matter of explanation: what can proponents of swamp action offer as a principled explanation of the mark of action that does not rely on causal history?

²⁹⁴ Donald Davidson, 'Knowing One's Own Mind', *The Proceedings and Addresses of the American Philosophical Association*, 60 (1987), pp. 441-58. He acknowledges Stephen Stich as using a similar device.

²⁹⁵ If one is inclined to dispute this point, consider a clearer example: a whole world comes into existence in an instant, populated with people seemingly mid-task: pens in hands, as it were. There are no prior beings to whom the people of this instant-world are even remotely linked. Can these people act?

Frankfurt, Juarrero, and Fischer can join me in claiming that the swamp-person acts. Weak productionism emphasizes the manner, but not the origin, of the production of an event as the mark of action. The swamp-person's behavior lacks origin, but it is still exercised somehow. Unlike origin, the lightning does not erase the manner of production of the event in question. Specifically, Frankfurt, Juarrero and Fischer can claim that the swamp behavior is action because of the control that the swamp-person exercises over the behavior. This is an individualistic answer: the mark of action is to be put in terms of an individual agent. Control is the proffered individualistic principled explanation of swamp action that I shall examine here. Accordingly, I will first present the positions of the three theorists, then I shall examine whether we should pursue an individualistic explanation of swamp action.

2.1 Control I: Harry Frankfurt

Of the theorists to be examined in this chapter, Frankfurt is the purest weak productionist. He is the clearest in taking a weakly productionist stance on the status issue. He addresses himself to what he calls the 'problem of action': '... to explicate the contrast between what an agent does and what merely happens to him, or between the bodily movements that he makes and those that occur without his making them.'²⁹⁶ This is the status question. He very clearly distances himself from, especially, CTA theorists—strong productionists who emphasize the causal history of an event as an answer to the status question: 'My claim is rather that it is no part of the nature of an action to have a prior causal history of any particular kind. From the fact that an event is an action, in my view, it does not follow even that it has a cause or causes at all, much less that it has causal antecedents of any specific type.'²⁹⁷ It is clearly legitimate to represent Frankfurt as allowing for swamp action, unlike the other theorists we have so far examined.

Frankfurt thinks that CTA theorists turn their attention too quickly away from the very events whose nature they are examining. Since they look for a mark of action that is not intrinsic to the events that turn out to be actions, he claims that such theories unavoidably open themselves up to the problem of deviant causal chains.²⁹⁸ If we pay attention to actions themselves, Frankfurt claims that we will see that a person is necessarily in touch with the movements that constitute an action in a certain way that is not shared by movements that are not actions.²⁹⁹ Specifically, actions, but not mere movements, are under the agent's control, or *guidance*:

What is not merely pertinent but decisive, indeed, is to consider whether or not the movements as they occur are *under the person's guidance*. It is this that determines whether he is performing an action. Moreover, the question of whether or not movements occur under a person's guidance is not a matter of their antecedents. Events

²⁹⁶ Frankfurt, 'The Problem of Action', p. 42.

²⁹⁷ Frankfurt, 'The Problem of Action', p. 42.

²⁹⁸ Frankfurt, 'The Problem of Action', p. 43.

²⁹⁹ Frankfurt, 'The Problem of Action', p. 43.

are caused to occur by preceding states of affairs, but an event cannot be guided through the course of its occurrence at a temporal distance. [original emphasis]³⁰⁰

To cite an agent's guidance of an event in an answer to the status question is to appeal to facts about how this event is produced. In the terms of this book, Frankfurt's position is clearly a variety of productionism.

Frankfurt goes on to claim that such guided behavior can be seen as *purposive*. This should be taken roughly as a synonym for 'guided'. He explicates purposive guidance in terms of a counterfactual condition:

Behavior is purposive when its course is subject to adjustments which compensate for the effects of forces which would otherwise interfere with the course of the behavior, and when the occurrence of these adjustments is not explainable by what explains the state of affairs that elicits them.³⁰¹

This sort of guidance does not require actual causal control.³⁰² Even when an agent just lets things happen without seemingly 'active' directing of the course of events, the counterfactual can be satisfied. This puts Frankfurt somewhat at odds with Juarrero and Fischer. Nevertheless, his position is clearly pure weak productionism.

Before moving on to Juarrero, it is worth noting a problem with Frankfurt's presentation of his position. At one point he characterizes his answer to the status question as follows: 'The performance of an action is accordingly a complex event, which is comprised by a bodily movement and by whatever state of affairs or activity constitutes the agent's guidance of it.'³⁰³ Unfortunately, this is demonstrably false by counterexample. Imagine using your right hand to move your left hand like an object. Or imagine that your left arm has fallen asleep, and you adjust its position by grasping it with your right arm and moving it. In such cases there is movement of both arms, and there is some state of affairs that constitutes the agent's control of the movements of both arms, but only the movement of the right arm seems like an action. To remedy this, Frankfurt needs to distinguish those sorts of bodily control that yield action from those that do not. This is at least part of what Juarrero and Fischer do. Nevertheless, I think we will do well to bracket this objection to the letter of Frankfurt's position and turn instead to the spirit of it, which he shares with Juarrero and Fischer, once we have all three positions on the table.

2.2 Control II: Alicia Juarrero

Juarrero uses information theory and complex adaptive systems theory to explain how control is the mark of action. Consequently, her position is technically complex. I will abstract from the technical details as much as possible. Her weak productionism is demonstrable without them.

³⁰⁰ Frankfurt, 'The Problem of Action', p. 45.

³⁰¹ Frankfurt, 'The Problem of Action', p. 47.

³⁰² Frankfurt, 'The Problem of Action', p. 48.

³⁰³ Frankfurt, 'The Problem of Action', p. 46.

Juarrero sets the status question as her task very early.³⁰⁴ Unlike Frankfurt, however, Juarrero cites the fact that actions are intentional as the key to the issue.³⁰⁵ Accordingly, it is useful to see Juarrero's project as an information-theoretic and complex adaptive systems-theoretic treatment of intentional behavior.

It is common to think of intentional behavior as behavior that is caused by an intention. As it stands, Juarrero would agree with this characterization. However, it is also common to take the further step of construing such intentional causation as a matter of the efficiently causal history of an event. Juarrero thinks that this step is unnecessary and inadequate. Like Frankfurt, Juarrero thinks that CTA cannot avoid the problem of deviant causal chains. The reason is the CTA proponent's commitment to casting the production of action in terms of the efficiently causal history of an event. An efficient cause is ontologically distinct from its effect(s). Hence there is always temporal and physical space in the causal chain for something to intervene. This leads to the problematic causal chains that we have already examined as a serious problem for CTA.³⁰⁶

Instead, Juarrero thinks action theorists should seek a model of intentional behavior that does not even begin to go down the road that leads to the problem of wayward causal chains.³⁰⁷ As she puts it:

[I have established] the importance of and need for a causally efficacious cognitive source that doesn't disengage once it triggers behavior, but rather guides and directs (informs) by flowing into behavior. To understand action, that is, we need an account of the way an intention's meaningful content constrains behavior such that the former flows uninterruptedly into the latter.³⁰⁸

If an intention somehow 'guides and directs' the behavior that counts as action, we can say that it controls it. Juarrero is clearly developing the same intuitions about action as Frankfurt.

Juarrero characterizes action as, '... informationally dependent and constrained behavior.'³⁰⁹ Elsewhere, emphasizing what is needed to avoid deviant causal chains, she says, 'Thinking of actions as unbroken trajectories—calculated in terms of information flow, noise, and equivocation—allows us to avoid many of the traditional objections to which causal theories of action are vulnerable.'³¹⁰ For our purposes, the information-theoretic details are not necessary. All that is needed is an overall picture of action as a flow of information that controls behavior, via feedback between levels of complex systems. Again, the spirit of this sort of position will be examined in due course.

³⁰⁴ Juarrero, *Dynamics in Action*, pp. 1-2.

³⁰⁵ Juarrero, *Dynamics in Action*, p. 1.

³⁰⁶ Juarrero, *Dynamics in Action*, p. 28.

³⁰⁷ Juarrero later seeks a model of self-causing action. This is where complex adaptive systems theory comes in: it provides principled resources for making sense of the long-rejected idea of self-cause. The details of this part of the book will not be discussed here. The information-theoretic aspect of Juarrero's position is more important for present purposes.

³⁰⁸ Juarrero, *Dynamics in Action*, p. 77.

³⁰⁹ Juarrero, *Dynamics in Action*, p. 95.

³¹⁰ Juarrero, *Dynamics in Action*, p. 5.

Since Juarrero makes some reference to the cognitive source of action, she is not as pure a weak productionist as Frankfurt. Nevertheless, it is reasonable to interpret her position as compatible with the possibility of swamp action. The reason is her emphasis on uninterrupted flow of information and on self-cause. What is important to her position is not so much that an action is caused by an intention, but that its performance is controlled via feedback that preserves the transmission of information from source to activity. In the swamp example, the origin of the action disappears, but everything is else is still in place to maintain the course of activity according to the information flow that is instantiated in the swamp person. After the prior intention to write a cheque is formed in the original person, that person will have a defined and finite physical arrangement at any given moment. Since the swamp person is by definition a doppelganger, s/he will be instantiated with the same post-intention physical arrangement. The fact of the occurrence of an original intention is unnecessary for the continuance of the action. In Juarrero's terminology, the activity can still be guided by whatever physical states instantiate a 'proximate' intention. In this manner, swamp action can be both legitimate action and intentional.

2.3 Control III: John Martin Fischer

Fischer (along with collaborator Mark Ravizza) constitutes an interesting case for present purposes. In contrast with everyone else already examined in this book, Fischer does not offer an account explicitly of the production and status issues. Instead, his topic is free will and moral responsibility. Nevertheless, his position can be charitably interpreted as implying a position on the status question. It is a weak productionist one, but one even less purely so than Juarrero's.

Fischer addresses a status issue different from, yet related to, the one at the heart of action theory: how does a person come to have the status of being a morally responsible agent? By 'morally responsible', Fischer means an appropriate subject of the reactive attitudes emphasized by P.F. Strawson, along with their closely related practices of ascribing praise and blame.³¹¹ Fischer thinks this sort of matter calls for a metaphysical answer: our practices of holding people responsible are to be grounded by whatever facts about people actually make them responsible.³¹² We hold people morally responsible, primarily, for their actions. So, to draw out the implication, Fischer's position can reasonably be interpreted as implying that whatever behavior is yielded by the facts about people that make them morally responsible agents is action.³¹³

³¹¹ Fischer, *The Metaphysics of Free Will*, p. 2.

³¹² Fischer, *The Metaphysics of Free Will*, p. 213.

³¹³ If we take Fischer's position as not applying to action, then the following possibilities are presented: either the swamp agent can act without being a candidate for moral responsibility, or the swamp person can be held responsible, but cannot act. These possibilities sever action from moral responsibility too deeply (at least for my tastes). Hence I think the extension of Fischer's position to the status question is appropriate.

Fischer claims that rational accessibility to the reactive attitudes and to practices of attributing praise and blame is grounded by control.³¹⁴ If control of behavior grounds moral responsibility, then, according to the schema of the suggested interpretation of Fischer's position, behavior yielded by mechanisms that control behavior ought to count as action. This is the same idea explored by Frankfurt and Juarrero in their explicit examination of the status issue. In other words, Fischer is reasonably taken to be working in the same productionistic vein as Frankfurt and Juarrero.

Crucially, and quite influentially, Fischer distinguishes between regulative and guidance control.³¹⁵ An agent exhibits regulative control over behavior when s/he can choose amongst alternative courses of action. An agent exhibits guidance control over behavior when s/he exercises control over the course of activity even though s/he could not have chosen to do otherwise—no alternative courses of activity were available. Fischer offers the following as an example:³¹⁶ suppose you are driving a car. You come to a fork where you must turn either left or right. You turn to the right, and the car goes to the right, just as you wanted. As it happens, unbeknownst to you, the car's steering mechanism is broken. If you had turned to the left, the car would have veered to the right anyway. Thus, there was only one course of action open to you: there were no alternatives to turning right. There is a sense in which you have successfully controlled the direction of the car, but it is only in the guidance sense, not the regulative sense.

This example is offered in the spirit of other scenarios devised by, somewhat ironically, Harry Frankfurt. Frankfurt's examples suggest that, contrary to common intuition, agents can be morally responsible for their activity even when they cannot do otherwise. Fischer agrees: he argues that only guidance control, and not regulative control, is necessary for moral responsibility. Hence, further extending the present interpretation of Fischer's position, activity produced under the guidance control of an agent counts as action.

In their recent book, Fischer and Ravizza argue that an action is under the guidance control of an agent when it issues from 1) a moderately reasons-responsive mechanism that 2) the agent has made his/her own.³¹⁷ We shall examine these conditions in order.

A mechanism is moderately reasons-responsive when it is regularly receptive and weakly reactive to reasons.³¹⁸ As the name suggests, this sort of responsiveness falls between weaker and stronger varieties. Weak reasons-responsiveness posits a loose fit between there being a sufficient reason for action and the production of action. Strong reasons responsiveness is constituted by a tight fit between action and sufficient reason. Fischer and Ravizza argue that these are respectively too little and too much to ask of agents for them to be morally responsible for their actions. Instead, a moderate fit is all that is needed.

³¹⁴ Fischer, *The Metaphysics of Free Will*, p. 3, p. 21.

³¹⁵ Fischer, *The Metaphysics of Free Will*, p. 132.

³¹⁶ Fischer, *The Metaphysics of Free Will*, pp. 132-3.

³¹⁷ Fischer & Ravizza, *Responsibility and Control*, p. 230.

³¹⁸ Further explication of what this means is unnecessary for present purposes.

If moderate reasons-responsiveness were all that was required for moral responsibility, then Fischer and Ravizza would be pure weak productionists. Being a mechanism is a non-historical property: a structure that comes into being instantaneously, with no causal history, can be a mechanism. Hence the swamp person could be equipped with a moderate reasons-responsive mechanism. However, the second condition, that the agent have made the mechanism his/her own, complicates matters. This is a historical condition. To make an action-yielding mechanism one's own is something an agent does. It is accomplished by taking responsibility for acting from a certain kind of mechanism.³¹⁹ This involves a] seeing oneself as the source of behavior, and b] seeing oneself as a fair target of the reactive attitudes. Moreover, [a] and [b] must be appropriately based on evidence. Taking responsibility for one's activity in this way can happen either through the moral education one grows up with, or through reflection. Either way, this is a historical process. Fischer and Ravizza incorporate such a process into their account of the grounds of moral responsibility because of a problem that otherwise faces attempts to ground moral responsibility in mechanisms of control. Any mechanism in itself could be installed by historical processes that compromise an agent's responsibility for the activity yielded by the mechanism.³²⁰ Would an agent really be responsible for activity that issues from a mechanism installed in the agent by a neurosurgeon? Perhaps not. If this is correct, then such processes have to be ruled out to specify the metaphysical conditions of being responsible for activity.

To finish the extension of Fischer's line of thought to the status issue: behavior is under an agent's guidance control when it issues from a moderately reasons-responsive mechanism that the agent has made his/her own. Agents are morally responsible for activity yielded by the conditions of guidance control. Hence agents are morally responsible for activity yielded by moderately reasons-responsive mechanisms that the agent has made his/her own. Agents are morally responsible for actions. Actions are the activity yielded by the aspects of agents that make them morally responsible. Hence, behavior that comes from moderately reasons-responsive mechanisms that the agent has made his/her own counts as action.

The historical condition clearly complicates the interpretation of Fischer as allowing for the possibility of swamp action. If guidance control consisted solely in the activity of a moderately reasons-responsive mechanism, then Fischer's position would be as purely weakly productionistic as Frankfurt's. However, since the swamp agent has no history, s/he cannot have made the mechanism his/her own. This means that, by the standards of Fischer and Ravizza's position, the swamp agent is not morally responsible for any activity. And, according to the extension of this position, therefore the swamp person could produce no action.

We will consider whether Fischer and Ravizza should incorporate a historical condition into their account of moral responsibility shortly. Meanwhile, I think intuitions should be pumped a bit more on this point. Consider yourself on the step with the swamp person writing a cheque. Does it really seem that this being cannot legitimately be held morally responsible for his/her activity? S/he hands you a

³¹⁹ Fischer & Ravizza, *Responsibility and Control*, p. 215.

³²⁰ Fischer, *The Metaphysics of Free Will*, p. 208.

cheque—is it really inappropriate to feel grateful, i.e., to direct one of the reactive attitudes towards the swamp agent? Is it really irrational to say ‘thank you’ to such a being? That is, do our practices of blaming and, here, praising have no purchase in such a case? I am inclined to think that they do. This can only be correct if Fischer and Ravizza are wrong about the need for a historical condition for genuine moral responsibility. Hence, one of the issues yet to be examined is whether Fischer and Ravizza ought to be purer weak productionists.

3. ARGUMENTS FOR INDIVIDUALISM

The positions of Frankfurt, Juarrero, and Fischer (and Ravizza) are all individualist. As we saw in the presentation of the swamp case, individualism is just one theoretical option among others. Hence some defense is warranted. Do Frankfurt, Juarrero, and Fischer offer any arguments for taking an individualist stance on the status question (or, for Fischer, on the related question of moral responsibility)? Not explicitly. However, there are certain aspects of each case that can reasonably be interpreted as a sort of defense of individualism. I shall now examine these implicit cases for individualism on the status question.

Frankfurt offers the following example to encourage the thought that his mark of action is not peculiar to humans:

Consider the difference between what goes on when a spider moves its legs in making its way along the ground, and what goes on when its legs move in similar patterns and with similar effect because they are manipulated by a boy who has managed to tie strings to them. In the first case the movements are not simply purposive, as the spider's digestive processes doubtless are. The are also attributable to the spider, who makes them. In the second case the same movements occur but they are not made by the spider, to whom they merely happen.³²¹

This argument seems to be to the effect that movements out of one's control are not actions, and movements under one's control are actions, so (filling in with what we have already seen of Frankfurt's position) control is the mark of action. This inference seems cogent, but it deserves critical scrutiny. In particular, it is enthymematic, and the missing step, in Frankfurt's case, is just the assumption of a very straightforward individualism. The lack or malfunction of something *X* can prevent an event or item from working or from being of a certain kind without the presence of *X* being criterial of successful functioning or the kind in question. *X* could, for instance, be part of a system whose overall constitution realizes the kind in question. Imagine that one lives in a political jurisdiction where voting is done by marking an ‘x’ in a box. If one does not mark an ‘x’ in a box, then one does not vote. This, of course, does not mean that marking an ‘x’ in a box constitutes an event as a vote. Other very important conditions have to be met: one has to be registered to vote, one has to go to the appropriate place, receive an official ballot, *etc.* As another example, consider submitting assignments as part of taking a course. Suppose a student does not pass the course because s/he did not pass in assignment *X*. This, of

³²¹ Frankfurt, ‘The Problem of Action’, p. 51.

course, does not mean that submission of *X* constitutes success in the course. This student might have done adequately well on assignments *U*, *V*, & *W*, but *X*, worth 40% of the final mark, was needed to pass. Submitting *X* alone would not constitute success in the course.³²²

Even worse, *X* might be a condition necessary for the functioning of a system that constitutes a given kind without being part of the criterial system itself.³²³ Consider this ridiculous parody of Frankfurt's reasoning: *A* seems to be a human, but s/he is not held down by gravity on the earth's surface. Humans are susceptible to the earth's gravitational force. Hence being subject to earth's gravity is the mark of being human. No one would believe this. Gravity turns out to be necessary for being a human, but not at all part of what the mark of being human is. It is instead necessary for the conditions that constitute the mark of being human.

Either Frankfurt has made a gross error, or, which is more likely, he has left *ceteris paribus* conditions unspecified. But to fail to specify such conditions is just to assume that the mark of action must be individualistic. Consider the voting example again: the conditions that would be left unspecified in that example include very important facts about the social environment in which the person lives, not about the individual person. Focusing *solely* on the condition the absence of which defeats the exemplification of a given kind is rash no matter what the topic. To give this a slogan: a local defeater does not simply imply local criteria. Further steps must be taken to determine such criteria. Frankfurt does not take these steps with regard to action. His individualism is hence unsupported.

A new wrinkle is added by Juarrero and Fischer. As we have seen, Fischer's interest is moral responsibility. Likewise, Juarrero starts with moral considerations:

What is the difference between a wink and a blink? Knowing one from the other is important—and not only for philosophers of mind. Significant moral and legal consequences rest on the distinction between voluntary and involuntary behavior. Jurors, for example, report that deciding whether the accused caused someone's death is relatively easy. They find it much more difficult, on the other hand, to determine 'what class of offense—if any—had been committed' (Hacker 1995, 44). At Supreme Court hearings on the subject of physician-assisted suicide, the discussion turned on the same issue. . . . Walter Dellinger, acting Solicitor General, testified at those hearings that 'so long as the physician's intent was to relieve pain and not cause death,' the behavior was not unlawful. As Anthony Lewis, writing in the *New York Times* (January 1997), noted of the debate, 'Everything turned on the shadowy question of intent.'

Our judgments concerning moral responsibility and legal liability will be very different, therefore, depending on how we answer the question, 'Was it a wink or a blink?' And yet that is precisely the problem: gauging intent in order to establish what the accused did so that jurors as well as the rest of us can then discriminate among degrees of responsibility. We are not responsible and cannot be held accountable for blinking. And

³²² Reasoning from absence or malfunction to the conditions that constitute good functioning is common in the sciences. It has been particularly important in neuroscience: a brain malfunction that correlates with some sort of disability calls out for further investigation. But, of course, the inference that successful functioning of *that* part of the brain is responsible for successful performance of a certain kind of ability is too hasty an inference. Malfunction of a part of the brain can interfere with abilities in lots of ways. For a good example of this sort of reasoning, see Steven Pinker, *The Language Instinct* (New York, 1994) p. 298.

³²³ For more on necessary conditions and criterial conditions, see Appendix I.

rightly so. We think of blinks, unlike winks, as behavior that we not intend and cannot control—something that ‘happens to us,’ a reflex reaction in which we are passive. . . . Only intentional behavior qualifies as moral or immoral; reflexes are amoral. But what marks off intentional actions from unintentional, accidental or reflex behavior?³²⁴

As we have seen, Juarrero answers this question by explicating control in terms of the uninterrupted flow of information from cognitive source, via feedback, into the behavior that constitutes action. There are several things to note about these opening remarks. First, with regard to moral responsibility at least, they are misleading, and perhaps even false. We legitimately hold people morally responsible for not doing what they should have intended to do. Moreover, we saw in Chapter Four that behavior that is unintended in one sense can be intentional in another sense. The sense relevant to moral responsibility need not be the causal sense on which Juarrero focuses. But beyond such quibbles, let’s pay attention to the inference that is suggested here. One way of reading the above is as saying that because unintentional behavior is not subject to moral evaluation, whereas intentional behavior is subject to moral evaluation, intention must be what marks the moral from the amoral. Further, since unintentional behavior, such as blinking, is not action, whereas intentional behavior—winking—is action, then intention must also be the mark of action. This inference, however, flirts with the same ‘local defeater therefore local criterion’ enthymeme offered by Frankfurt. The lack of intention could defeat the moral accessibility of certain sorts of behavior without it being the case that the mark of the moral is the presence of intention. This is even clearer for action: Juarrero’s explication of intent is very much in the spirit of Frankfurt’s invocation of control. Like Frankfurt, the extra steps needed to get from the defeating condition to the criterion of a given class are not taken here. Specifically, externalist, contextual options are not even considered by Juarrero.

Fischer (& Ravizza) offers no explicit arguments in defense of individualism. The closest we get is the claim that we must distinguish being responsible from being held responsible. Fischer’s topic is the former matter: he casts this as a metaphysical project of specifying facts about individuals that make them appropriate subjects for the reactive attitudes and practices of attributing moral responsibility. This individualistic move is assumed—nothing more in the way of argument is offered. Since I have examined the criteria of responsibility in Chapters Four and Five, I will bracket this aspect of the position of Fischer and Ravizza without further remark and instead examine other aspects of their position.

As we have seen, Fischer and Ravizza claim that agents are morally responsible for behavior that issues from a moderately reasons-responsive mechanism that the agent has made his/her own. One makes a mechanism one’s own by taking responsibility for it; this adds a historical dimension to this account of moral responsibility. Fischer and Ravizza include a historical dimension because, ‘[Any mechanism] could *also* be produced in a responsibility-undermining way—say, by direct electronic stimulation of the brain, subliminal advertising, and so forth.’ [original emphasis]³²⁵ Hence Fischer and Ravizza specify a specific sort of historical

³²⁴ Juarrero, *Dynamics in Action*, p. 1.

³²⁵ Fischer, *The Metaphysics of Free Will*, p. 208.

process which purportedly helps constitute agents as morally responsible. They have, however, made a very simple logical error here. Let's call the responsibility-undermining ways of installing mechanisms for behavior 'bad historical processes'. The claim is that bad historical processes suffice to undermine moral responsibility. Schematically:

If Bad historical processes *then* no moral responsibility

Fischer wants moral responsibility. So, working *modus tollens*, the inference should be:

If Moral responsibility *then* no bad historical processes

That is, if certain ways of installing mechanisms for producing behavior undermine responsibility, then all that is necessary for moral responsibility is the absence of such processes. The absence of 'bad historical processes' is not equivalent to the presence of specific responsibility-enabling processes. Fischer and Ravizza strive for more than they need. Consequently, their position should be modified to claim that moral responsibility is grounded by moderate reasons-responsiveness and the absence of ways of installing such an ability that would undermine moral responsibility. This makes their position more purely weakly productionist: the new position is compatible with swamp action, whereas the old one was not clearly so. It seems to me, at any rate, that the way the swamp agent comes into existence does not undermine moral responsibility in the way that electronic brain stimulation or subliminal advertising—or, indeed, any covert tampering with one's behavior producing mechanisms by other agents—purportedly do.

On the other hand, Fischer's strategy is more closely related than one might think to the 'local defeater' arguments offered by Frankfurt and Juarrero. Having identified a set of conditions that can undermine responsibility, Fischer seeks something specific about individuals to pre-empt the problem. However, mere logic calls not for this, but for just the absence of the problem. The absence of such processes is not a fact about an individual, but rather about broader states of affairs. Let me speculate that Fischer's approach is rooted in an assumption that moral responsibility (and, given the present extension of Fischer's position, action itself) is to be grounded in facts about individuals, and particularly in facts about how individuals produce behavior. To assume this is to assume individualism.

The 'local defeater/local criterion' arguments presented in this section deserve a little reflection. They have different degrees of importance for the three positions. They cut very close to the heart of Frankfurt's position, but they are less serious for Juarrero and Fischer. Allowing these arguments to stand for the positions of Frankfurt and Juarrero makes their positions seem more compelling than they really are. This is not nearly so much the case for Fischer's case. In fact, excising the problem from Fischer's position leaves a more pure weak productionism in place. Nevertheless, in all three cases this sort of argument is an interesting manifestation

of assumed individualism. I hope that by drawing attention to it, I have demonstrated the importance of giving such individualism a closer look.

4. INDIVIDUALISM IN GENERAL

Frankfurt, Juarrero and Fischer take individualistic approaches to the status issue (and to the related issue of moral responsibility) without much defense. I have brought such assumption into the open, flagging it as something to be concerned about. However, one might think that this is not a compelling problem. It is only a problem if individualism is something that generally needs defense in the domain(s) in which these theorists are working. If it is generally robust in this territory, then no specific reason has been provided to think that it is not robust on this specific topic.

Far from being safe to assume, individualism has instead been hotly contested in philosophical psychology and philosophy of social science. Individualism in philosophical psychology is the idea that mental states and processes are entirely realized by the intrinsic properties of individuals. Individualism in social science is the idea that explanations invoking social phenomena must be ultimately reducible to explanations invoking only characteristics of individual persons. Philosophy of action functions as a bridge between these two domains because of its topic, action. Paradigmatic actions, such as the purchasing of a newspaper, are public, like social phenomena, but they are attributable to individuals, not groups, like paradigmatic psychological phenomena. Even further, they seem to be deeply related (somehow) to individual psychology. Instead of being vindicated, methodological individualism is turning out to be a stance that needs explicit defense when adopted in philosophical psychology and philosophy of social science. Examining the intricacies of these debates would take us too far from the present topic. Besides, my impression is that these debates have established anti-individualism as a serious contender in psychology and social science. Instead, my purpose here is just to convey a sense of the width of the array of defenses of externalism, especially in philosophical psychology. This will suffice to show that individualism on the status question requires explicit support.

Individualism in philosophical psychology has been attacked from many directions. The recent wave of attention was started by Hilary Putnam and Tyler Burge. Their topic was mental content. Putnam and Burge used thought experiments—the infamous twin earth among them—to argue that the content of a wide variety of mental states was environmentally dependent. This has turned into a detailed and voluminous debate. The result, however, has clearly been that anti-individualism about mental content is to be taken seriously. It is not an *a priori* truth that meanings are ‘in the head’, as the individualist would have it. Most philosophers of mind currently accept externalism about the content of at least some sorts of mental state.

Individualism about cognitive processes is a more recent target. Robert Wilson³²⁶ and Oron Shagrir,³²⁷ among others, have argued that computational processes can extend beyond the physical bounds of the individual agent. Wilson argues that some actual computational research on human cognitive states should be construed externalistically. If correct, this sort of argument shows that adoption of the computational paradigm in psychology does not entail individualism.

The work of engineers on cognitive processes also counts against the *a priori* pedigree of individualism. William Clancey has argued for 'situated agency' from this sort of perspective.³²⁸ Especially important has been the work of Rodney Brooks.³²⁹ Brooks' robots are designed to navigate specific sorts of environments without the use of internal maps of those environments. Instead, the robots use environmental features in lieu of internal representations.

Philosophical reflection on various aspects of the practice of psychology has also been amounting to a case for externalism. Edwin Hutchins' observational work on the cognitive tasks involved in navigating a ship is a particularly interesting example.³³⁰ Robert Wilson, besides his work on computationalism and individualism, has argued that neither *a priori* arguments nor methodological arguments for individualism in psychology are compelling.³³¹ S.L. Hurley argues for externalism about perception and action on the basis of the neurosciences and thought experiments developed from a basis informed by empirical work in the neurosciences.³³² I have recently argued that there is good reason to think that psychopathology will support externalism about some cognitive processes.³³³ Particularly germane to present purposes is Katarzyna Paprzycka's recent case that we change our psychological theories to include ordinary and widespread externalist rationalizing explanations of everyday action.³³⁴

Of course there are extant defenses of individualism as well. For present purposes, this does not matter. The relevant issue is not whether individualism is uniquely true, but whether it can be safely *assumed* to be true, and hence as not needing defense. This glimpse of the multi-faceted case for externalism about some aspects of mental content and mental processes should cast serious doubts about the former matter. It does more than this for the latter, relevant issue. Debate about

³²⁶ Robert A. Wilson: 1] 'Wide Computationalism', *Mind*, 103 (1994), pp. 351-372. 2] *Cartesian Psychology and Physical Minds: Individualism and the Sciences of the Mind*. (New York, 1995).

³²⁷ Oron Shagrir, 'Content, Computation, and Externalism'. *Mind*, Vol. 110, 438 (April 2001), pp. 369-400.

³²⁸ W.J. Clancey: 1] *Situated Cognition*. (Cambridge, 1997). 2] 'The Conceptual Nature of Knowledge, Situations, and Activity' In P.J. Feltovich, K. M. Ford, & R. R. Hoffman (eds), *Expertise in Context* (Cambridge, Massachusetts, 1997).

³²⁹ Rodney Brooks, 'Intelligence Without Representation'. *Artificial Intelligence*, 47, (1991), pp. 139-59.

³³⁰ Hutchins, *Cognition in the Wild*.

³³¹ Wilson, *Cartesian Psychology and Physical Minds*.

³³² S.L. Hurley, *Consciousness in Action* (Cambridge, Massachusetts, 1998).

³³³ Andrew Sneddon, 'Towards Externalist Psychopathology'. *Philosophical Psychology*. Vol 15, No. 3 (September 2002), pp. 297-316.

³³⁴ Katarzyna Paprzycka, 'False Consciousness of Intentional Psychology'" *Philosophical Psychology*, Vol. 15, No. 3 (September 2002), pp. 271-295.

individualism in philosophical psychology for the past three decades have established beyond reasonable doubt that externalism has to be taken seriously.

A thread running through the work of at least Wilson, Hurley, and Paprzycka is that whether individualism holds for a given psychological phenomenon is an empirical issue. Much the same turns out to be the case for individualism in the social sciences. As we have already seen, methodological individualism in the social sciences is a cluster of views, most often put in terms of the claim that explanations citing social phenomena must be reducible to explanations that cite just properties of individuals. As in philosophical psychology, there has been a debate about the rigidity and extent of such individualism in the social sciences. Although this issue has not been settled, one undoubtable result of the debate is that anti-individualistic methodologies must be taken seriously. One result of arguments by, among others, Steven Lukes, Richard Miller, Harold Kincaid, and Alan Nelson is that whether individualism holds for a particular issue in the social sciences is an empirical issue.³³⁵ As in philosophical psychology, this means that, far from being safe to assume, individualism must be defended in philosophy of social science, and such defense should be informed by actual research in the social sciences.

Since action is reasonably seen as a bridge phenomenon between those of psychology and the social sciences, we have every reason to think that the methodological lessons from the debates over individualism and anti-individualism in these two domains apply to action as well. Let me emphasize that the lesson to be learned here is not substantive, but methodological. One should not think that the demonstration of externalism in, e.g., philosophical psychology would entail the truth of externalism in philosophy of action and the social sciences. Instead, it seems that individualism and externalism must be examined and defended on grounds appropriate to the respective domains of inquiry. The lesson for philosophy of action in these debates over individualism is merely that it needs defense, for anti-individualism often turns out to be far more plausible than originally suspected. Far from assuming individualism, the default position should be that, for any particular aspect of the phenomenon of action, individualism requires defense. The weak productionist positions that we have examined in this chapter provide no compelling defense of individualism on the status question. Their methodological stance is clearly not uniquely supported by psychology or the social sciences. This is a lamentable lacuna in philosophical study of action.

³³⁵ 1] Steven Lukes, 'Methodological Individualism Reconsidered'. 2] Richard W. Miller, 'Methodological Individualism and Social Explanation'. 3] Harold Kincaid, 'Reduction, Explanation, and Individualism'. 4] Alan J. Nelson, Alan J. 1994. 'Social Science and the Mental'. 1-4 are all reprinted in Michael Martin & Lee. C. McIntyre. (eds.), *Readings in The Philosophy of Social Science* (Cambridge, Massachusetts, 1994). See also 5] Harold Kincaid, *Philosophical Foundations of the Social Sciences: Analyzing Controversies in Social Research* (Cambridge, 1996). 6] Rajeev Bhargava, *Individualism in Social Science—Forms and Limits of a Methodology* (Oxford, 1992).

5. CONCLUDING REFLECTIONS ON CONTROL AND THE SWAMP

Control is the idea pursued by weak productionists as the mark of action. As we have seen, Frankfurt, Juarrero and Fischer attempt to render control individualistically. Let's put this another way: in the terms of Appendix III, weak productionists examine control (and action) from the inside-out. They understand control as a *special* kind of production of behavior. From inside, we know there is a difference between controlling what we do and being out of control. Indeed, I am inclined to think that control is a much more satisfactory manifestation of the locus-of-agency intuition shared by weak and strong productionists than volitions or basic actions. Bishop's serious incorporation of control into his analysis of intentional action is what makes him the best of the strong productionists.

However, as we have seen, the inside-out perspective is not the only approach to action. How does control appear from the outside-in? Consider some examples:

1. Generally, a referee controls the progress of a hockey game. However, sometimes referees fail; such hockey games get out of control.
2. Writers, when things are going well, control their book projects. But things do not always go well; in such cases, an editor might legitimately describe the book as out of the writer's control.
3. When successful, tight-rope walkers control their footsteps. Occasionally, however, such control wavers; the walker stumbles to the end of the wire, fighting for control.

The crucial thing to note about (1)-(3) is that control is not invoked, from the third-person perspective, in a criterial role. The hockey match is a game whether the referee controls it or not. Instead, control is used *comparatively* from outside-in. That is, given a class of events—given a domain of events of a specific *kind*, or sharing a certain *status*—observers can speak of the tokens as being in or out of control. In such a usage, control is a way of producing the tokens in question. Importantly, the classes for which the comparative usage of control is appropriate include action—this is the point of (3).

Is there any reason to choose the inside-out approach to control and action rather than the outside-in approach? Given the lack of defense of individualism in philosophy of action, no reason has been provided by the theorists examined in this chapter. However, let's consider a potential reason that has not yet been scrutinized here. One might think that ordinary usage of 'action' dictates an inside-out stance on control. Our ordinary understanding of action casts it as behavior with a special sort of mental production. Control is a good candidate for such a lay criterion of action. Consequently, weak productionist theories can be seen as principled ways of making sense of the lay criterion of action.

However, as we saw earlier, we can also identify a lay taxonomy of action that comes apart from the lay criterion. I urged there that, when the lay criterion and lay taxonomy of action come apart, we have more reason to side with the lay taxonomy

than with the lay criterion. Weak productionists in effect follow the lay criterion, but the point of this chapter has been to show that such a strategy is not compelling.

Let's return to swamp action for a somewhat more principled perspective on this issue. We can distinguish moderate and radical interpretations of the swamp example. We have already seen the moderate interpretation: if swamp action is possible, then both strong and outcome productionisms are ruled out. The reason is that the swamp agent has no causal history. Strong and outcome productionism seek the mark of action in the causal history of behavior. So, if the swamp agent can act, then action with no relevant causal history is possible, and our intuitions stack up against strong and outcome productionism.

CTA theorists and volitionists might respond in the following way: it might seem like the swamp creature acts, but this is in fact not the case. Mental causal history really does make a difference—it is absent here, so there is no action. However, it is harmless to take an 'as-if' stance with regard to the behavior. No harm is done in treating the swamp behavior as action, even if it is strictly false. *Real* action attributions, however, are different. They are legitimated by the mental causal history of the action.

The radical interpretation of the swamp scenario responds to the 'as-if' stance by seizing upon the fact that the issue is action *ascription*. The 'as-if' response claims that real action ascriptions differ from swamp-action ascriptions. However, the radical swamp interpreter points out that this is not the case epistemically. In the majority of normal cases, we ascribe actions to others with no specific indication of mentality, or of the mental causal history of the action, other than the action itself. When I observe passers-by from my urban apartment window, I ascribe many actions without reports from the agents, in fact without any other information about the people on the street below. In other words, my deployment of the lay taxonomy of actions proceeds very nicely without explicit mention of the mental causal history of the events in question. It proceeds absolutely successfully with no independent information about the mentality of the agents to whom I ascribe actions. Epistemically, my relation to swamp agents is quite the same as my relation to the agents on the streets below my window. Far from being different, swamp actions fall within such successful use of a lay taxonomy of actions completely unproblematically.

If this is at all correct, then rejection of swamp action cannot turn on claims about real ascriptions of action depending on normal observation of the mental. There is no such observation of the mental; we routinely ascribe actions without any independent observation or knowledge of the mental. If anything, our lay taxonomical practices suggest that attribution of the mental *depends* on the attribution of action. Whereas the moderate interpretation of the swamp works against accounts of the status question that invoke causal history, this radical interpretation of the swamp works against any answer to the status question that appeals to mentality. *All* productionism is undermined by the radical interpretation of the swamp. The light that the swamp shines on our normal practices of action ascription betrays the inside-out interpretation of control as ungrounded.

The swamp is an intuition pump. It is very far from a knock-down argument. The moderate use of the swamp is more solid than the radical use. Still, the swamp

scenario provides useful access to weak productionism: it makes clear its differences from foundationalist productionisms and simultaneously sows seeds of doubt about it.

How would one devise a principled externalist account of swamp action? One would need to find some sort of *contextual* mark of action. More specifically, one requires an account of how swamp behavior counts as action that does not refer solely to properties of individuals. I am inclined to think that Juarrero and Fischer hint at the right answer. They both invoke *moral* considerations in connection with the status issue (or, in the case of Fischer, in connection with a related status issue). The moral domain is constituted by a group of notions and practices that are part of our cultural heritage. It should come as no surprise that ascriptivism offers just such an externalist answer to the status question.

This concludes my examination of productionistic theories of action. I hope to have conveyed the idea that these longstanding, well-known theories stand in need of certain sorts of defense that has not been provided. Each variety of productionism has been characterized by its own under-defended argumentative strategy. CTA has relied on the notion of basic actions, perhaps on the basis of dubious infinite regress arguments, without offering explicit defense of the use of this foundationalist strategy. Nouveau volitionism is inclined to draw status conclusions from the liar/onlooker argument, but this argument concerns just the production of actions. Moreover, status concerns influence the very conclusion volitionists draw from this popular argument. Weak productionists employ local-defeater-therefore-local-criterion arguments without adequate attention to the ways in which defeaters and criteria are related. I hope to have conveyed the impression that, at the very least, neo-ascriptivism is a plausible addition to contemporary thought about the nature of action. More deeply, I hope to have sown the seeds of doubt about how appropriate it is to pursue a productionistic answer to the status question at all.

CHAPTER 10

CONCLUDING REFLECTIONS ON ASCRIPTIVISM AND ACTION

1. REALISM AND RELATIVISM

Let's turn to a subtle difference between ascriptivism and the various productionisms. I have argued that to be responsible is to have a certain sort of social status. Our practices of attributing moral responsibility are deeply constitutive of actionhood. An implication of this view is that to be an action is to be an event with a certain sort of social status. 'Action' is a social kind. Another way of putting this is that 'action' is an anthropological kind. I take this to mean that tokens of such kinds are the kind of thing they are at least in part because of their relations to human subjective states, projects, or institutions. Productionism does not have this implication. Presumably, since the various productionisms typically pursue actionmaking in terms of the causes or effects of the events in question, this sort of view casts action as a naturalistic category, or at least a non-anthropocentric one. Now, let's set aside the arguments we have already seen for and against productionism and ascriptivism. One might worry that ascriptivism somehow compromises the reality of actions while productionism does not. The assumption here seems to be that the only *really* real kinds are non-anthropocentric. Incidentally, this impression can be fueled by writers generally sympathetic to ascriptivism. For example, G. P. Baker portrays Hart in general and his ascriptivism paper in particular as seeking a route between realism and relativism.³³⁶ This is an apt characterization, but this is subtle territory, and it is easy to have the sense that the realist aspect of this sort of position is elusive to the point of entirely slipping away.

To explore this topic, let's turn to work, in a slightly different context, by David Wiggins and John McDowell. They too explore the territory between relativism and realism, but within moral theory. Specifically, they develop internalist moral realism/cognitivism. Such a view is internalist because it posits an internal relationship between human subjectivity and moral judgment. It is realist or cognitivist in that McDowell and Wiggins argue that despite this internal connection, moral judgment is a matter of reason. Moral judgments are corrigible and subject to scrutiny in terms of reasons even though we cannot make sense of the properties deployed in these judgments independently of human capacities. In the

³³⁶ G.P. Baker, 'Defeasibility and Meaning', In P.M.S. Hacker & J. Raz. (eds.) *Law, Morality, and Society: Essays in Honour of H.L.A. Hart* (Oxford, 1977), p. 27.

process of developing this sort of view, McDowell and Wiggins face squarely the issue of the relationships between the real, the objective, and the anthropocentric.

Wiggins characterizes objective properties as those that will always pull their weight in explanatorily adequate theories of the world.³³⁷ McDowell characterizes objective properties in contrast to subjective ones. Subjective properties are explicable only in terms of their effects on subjects. Objective properties are explainable without reference to such effects.³³⁸ I take causal properties to be paradigmatic examples of the sorts of property Wiggins addresses. This means that productionists cast action as thoroughly objective, while ascriptivism does not. Further, McDowell makes this point in the course of an examination of an argument of Mackie's that values are not part of the fabric of the world because of their relationship to human subjectivity. The fabric of the world is the domain of the real; anything not part of the fabric of the world is not real. Mackie holds that the fabric of the world is thoroughly objective. By extension, anything subjective is not real. Since ascriptivism casts action as not thoroughly objective, by these standards it compromises the reality of actions.

Wiggins addresses this sort of view by noting what it implies. If the real is just what remains in all explanatorily adequate theories of the world, values (and action) are not the only phenomena that turn up as not real. *Any* phenomenon or kind that is closely linked to human living goes as well. This includes (to use Wiggins' examples) such phenomena as those picked out by the predicates 'red', 'chair', 'person', and 'famine'.³³⁹ If persons go, it should be no surprise that actions turn out not to be real as well. To this list it seems to me that we can add kinds that depend on institutions, such as cheques. It is strange to embrace a view that implies that chairs are not real. If you are inclined to think cheques are not real, how about writing a substantial one to me to see whether you can maintain such a view as your bank account diminishes. To deny the reality of famines is insulting and dangerous. Such a view seems to undervalue the lives of those who find themselves suffering from a famine. Moreover, it seems to cast famine as a phenomenon that is not fit for real study, understanding, and remedy—this is the dangerous aspect of such a view.

Less provocatively, but perhaps just as rhetorically, if all of these phenomena turn out not to be real by the standards of crude naturalism, then there seems to be no loss if action joins this company. How real does action have to be to be taken seriously? Surely no more real than cheques or chairs. However, I am inclined, like Wiggins and McDowell, to resist the equation of the real with the objective. Instead, we should see the real/unreal and objective/not objective distinctions as orthogonal to each other. This yields the following four combinations:

³³⁷ David Wiggins, 'Truth, Invention, and the Meaning of Life', *Needs, Values, Truth 3rd Edition* (Oxford, 1998), pp. 120-1.

³³⁸ John McDowell, 'Values and Secondary Qualities', *Mind, Value, and Reality*, (Cambridge, Massachusetts, 1998), pp. 113-4.

³³⁹ Wiggins, 'Truth, Invention, and the Meaning of Life', p. 121.

Table 2. *Examples.*

<p><i>Real Objective</i></p> <p>Examples:</p> <ul style="list-style-type: none"> – Mathematical Properties – Logical Properties – Whatever pulls weight in explanatorily adequate theory of the world 	<p><i>Real Not Objective</i></p> <p>Examples:</p> <ul style="list-style-type: none"> – Chairs – Cheques – Actions
<p><i>Unreal Objective</i></p> <p>Examples:</p> <ul style="list-style-type: none"> – Ghosts 	<p><i>Unreal Not Objective</i></p> <p>Examples:</p> <ul style="list-style-type: none"> – Fictional Characters

It is easy to mistakenly conflate the objective with the real despite the unpalatable consequences that are so obvious given a little reflection. For example, Wallace remarks, essentially in passing, that moral distinctions should track objective differences.³⁴⁰ This would be persuasive only if the domain of the objective exhausted the domain of the real. What we really should want is that moral distinctions track *real* differences; whether this involves only objective differences is a different matter—one that is not the exclusive concern of moral theory—and we have pretty good reason to think that non-objective differences can be real.

The baldly naturalistic view of actions that would equate the real with the objective faces another problem. Presumably, to get actions into the first quadrant of this diagram, the naturalistic perspective that countenances no properties necessarily explicable, at least in part, in terms of human subjectivity must be able to explain naturalistically what it is that all tokens of the kind ‘action’ have in common. However, it is entirely possible that various particular actions have nothing naturalistic in common that differentiates them *qua* actions from other sorts of phenomena. The social aspect of actions might well be all that these events have distinctively in common. Not only can the naturalistic perspective not explain this aspect of actions, but it cannot even pick it out.³⁴¹ Non-objective properties are not

³⁴⁰ Wallace, *Responsibility and the Moral Sentiments*, p. 230.

³⁴¹ Jennifer Hornsby makes essentially the same point (‘Agency and Causal Explanation’. In Mele, *The Philosophy of Action*, p. 284).

available to a thoroughly objective perspective in any sense.³⁴² At best, ‘action’, from a naturalistic perspective, turns out to be either a disjunctive kind or a prototype or family resemblance kind. This is not in itself problematic, but it is a problem when there are other sorts of account of the kind in question that identify something shared by tokens of that kind. In the face of this sort of rival account, acquiescing with a disjunctive or prototype or family resemblance sort of kind amounts to an admission that one cannot explain what is explained elsewhere: what these instances have in common.

If these reflections are at all correct, then contemporary philosophy of action has foundered on a category mistake. Action—or at least the status question—has been investigated inappropriately because of a mistaken assumption about the kind of phenomenon it is. I take the present account of action to be in the spirit of Daniel Dennett’s view of the mind. This is fitting, given that Dennett is the most prominent philosophical descendent of Gilbert Ryle, the most famous stalker of category mistakes. In *Content and Consciousness*, Dennett claims that there is not necessarily anything physical in common between two people who have the same thought.³⁴³ Subsequent debate about externalism seems to have borne this claim out. The same goes for the present neo-ascriptivist theory of action—there is not necessarily a unique, individualistically individuable causal source or realization for a given action, and correlatively there is not necessarily anything causal or naturalistic in common between two people who perform the same action.

So much for the realism of ascriptivism. What about its relativism? Reflecting on the social nature of action illuminates a striking structural feature of this answer to the status question: the fact that ascriptivism provides merely a necessary condition of an event counting as an action. That this is peculiar is clear once one surveys the various theoretical possibilities. When one is trying to define a technical term to account for regularities in some body of data—in the present case, our lay taxonomy of actions—there could be:

1. One or a finite number of conditions both necessary and sufficient for exemplification of the kind in question.
2. A finite number of necessary conditions, and a finite number of *independent* sufficient conditions.
3. Nothing in common—the kind turns out to be disjunctive.
4. Something specially necessary for exemplification of the given kind, but nothing sufficient.

(4) is the present case, and it is sufficiently odd—and interesting, it seems to me—to warrant examination as to why there are no type sufficient conditions for being an action.

According to ascriptivism, the type necessary condition of counting as an action is thoroughly social. This fact explains why there are no type sufficient conditions of action. Social phenomena evolve. There are both inter- and intra-community

³⁴² See McDowell’s discussion of the same point (‘Values and Secondary Qualities’, pp. 122–6).

³⁴³ Daniel Dennett, *Content and Consciousness* (London, 1969), pp. 17–8.

differences about such social phenomena as those that characterize the moral domain. This opens the door for, in particular, deep differences between social groups about ascribing responsibility. Wiggins approvingly identifies the ‘distinctive core of non-cognitivism’ as the idea that values, and the practical choices to which they are relevant, are at base arbitrary and contingent.³⁴⁴ He elsewhere portrays this basis as consisting in pairs of worldly properties and human responses that evolve through a historical process of evolution.³⁴⁵ He claims that an implication of this sort of view is that two agents can thoroughly agree about the data, grounds, and logical relations of a practical choice, yet they can rationally make the choice differently from each other.³⁴⁶ Practical and evaluative judgments are ‘essentially contestable’.³⁴⁷ Extended to action, the implication is that for an event to count as an action is for it to have a contingent, local social status. This opens up unusual possibilities with regard to the way that the kind ‘action’ is exemplified. To examine these, we need to sharpen our sense of the kinds of disagreement that arise. First, people can disagree about *whether* it is appropriate to ascribe responsibility for a certain kind of event. However, they can also disagree about *how* to ascribe responsibility for a certain kind of event. Second, such disagreements can be *between* social groups or *within* social groups. These distinctions combine to yield the following four combinations:

- a) Intra-social disagreement about whether it is appropriate to ascribe responsibility for a certain kind of event.
- b) Inter-social disagreement about whether it is appropriate to ascribe responsibility for a certain kind of event.
- c) Intra-social disagreement about how to ascribe responsibility for a certain kind of event.
- d) Inter-social disagreement about how to ascribe responsibility for a certain kind of event.

With regard to the lack of type sufficient conditions for ‘action’ under ascriptivism, (a) and (b) are the illuminating cases.

On (a): it is in fact not difficult to find examples of intra-social disagreement about whether to ascribe responsibility for a certain sort of event within our own society. Consider behavior that would be criminal, but that is committed by people with mental incapacities of some sort. People in North America disagree, to some degree, in general about whether to ascribe moral responsibility for these sorts of conduct. There is probably notable consensus, however, that in general it is inappropriate to hold such people morally responsible.³⁴⁸ However, cases can arise

³⁴⁴ Wiggins, ‘Truth, Invention, and the Meaning of Life’, p. 124.

³⁴⁵ Wiggins, ‘A Sensible Subjectivism?’, p. 199.

³⁴⁶ Wiggins, ‘Truth, Invention, and the Meaning of Life’, p. 126.

³⁴⁷ Wiggins, ‘A Sensible Subjectivism?’, p. 198. Note: if this applies to actions, then this might explain the apparent intractability of controversy over the individuation of actions. I will not examine this here.

³⁴⁸ I make this claim on the basis of my non-empirically informed impression of prevailing attitudes. A comparison of distributions of mental illness in the general population and in prison populations

about which people who agree-in-general disagree-in-particular. The issue is whether defeating conditions, which everyone recognizes as generally relevant, hold in the particular case. Since such conditions for moral responsibility are not actually formulated anywhere (never mind the issue of whether they are well or clearly formulated) disagreement about some particular cases is inevitable. Even trickier are cases involving a psychological condition that some people see as a responsibility defeater but that others see as consistent with being responsible. Pedophilia is such a condition: people in North America currently disagree about whether pedophiles deserve treatment or punishment. When the psychological background from which conduct arises is such that there is social disagreement about whether it is appropriate to ascribe responsibility for conduct produced in this way, the status of the conduct *qua* action is under-determined. The more an event is of the sort for which it is appropriate to ascribe responsibility in a given social setting, the more determinate is its status *qua* action. Generally speaking, this status is always more or less determinate, although there are lots of kinds of conduct towards the extreme ends of this spectrum. This is just to say the obvious: there are lots of clear actions and lots of events that are clearly not actions.

On to (b): suppose that our society³⁴⁹ divides into two groups that evolve separately. In one, considerable consensus develops that pedophiles are to be held morally responsible for sexual abuse of children. In the other, considerable consensus develops that it is inappropriate to hold pedophiles morally responsible for what they do to children because doing so rests on a deep misunderstanding of the nature of pedophilia. This group comes to see the suggestion that we punish pedophiles as crazy. It strikes the members of this group as being as peculiar as the suggestion that we blame victims of Tourette's syndrome for the profanities that come out of their mouths. What began as intra-society disagreement has (hypothetically) turned into inter-society disagreement in the face of intra-society consensus. The implication is that certain conduct of pedophiles *can* be action for the first social group, but it cannot be action for the second group. Since the possibility of ascribing responsibility for an event is just a necessary condition of being an action, we cannot draw the conclusion that pedophilic conduct *is* action according to the practices of the first group.

We can formulate historical and anthropological hypotheses on the basis of these reflections about inter-social disagreement:

AH1) That conduct that we currently treat as action is not a candidate for inclusion in this category in other current societies.

AH2) That conduct for which we literally could not ascribe responsibility counts as action in other current societies.

might well yield a different picture of whether we blame the (somehow) mentally incompetent for their conduct.

³⁴⁹ I will not discuss how to individuate societies. I take it that this must be done *a posteriori* on the basis of whatever robust taxonomical practices the social sciences have.

HH1) That conduct that we currently treat as action was not a candidate for inclusion in this category in our own society at some prior time.

HH2) That conduct for which we literally could not ascribe responsibility counted as action in our own society at some prior time.

Confirmation of any of these hypotheses would be strongly supportive of ascriptivism: ascriptivism is compatible with taking such disagreement at face value, but productionism is not. Lack of confirmation poses no problem for ascriptivism because it is perfectly compatible with *de facto* agreement about whether to ascribe responsibility.

The reason we cannot formulate type sufficient conditions of action is the social nature of the type necessary condition of action. Ascriptivism holds of action across social and temporal boundaries, even in the face of radical disagreement about whether to ascribe responsibility for some sort of conduct. But if we tried to formulate sufficient conditions, the best we could do would be to find current, local, for-the-most-part, hedged sufficient conditions. This would tell us something about action at a particular time and place, but it would not tell us something as deep about the kind 'action' as what we already know from the current reflections on action, agency, and attributions of responsibility. The discovery of very widely distributed type sufficient conditions would arguably tell us more than very local type sufficient conditions, but even these are subject to possible change through time in a way that the type necessary condition of action is not. My prior conclusion still holds here: a sufficient condition of a phenomenon that is not also type necessary for it does not necessarily tell us much about the nature of the phenomenon in question. Given a) that the possibility of ascribing responsibility for an event is just type necessary for that event to be action, and b) the kind of differences that social practices, including those centrally involving responsibility, exhibit between each other both synchronously and diachronously, the very nature of ascriptivism is that what it identifies about the nature of action itself works against the provision of type sufficient conditions for this category.

Baker's characterization of ascriptivism as charting a course between realism and relativism should seem particularly apt now. Actions are real, yet the same conduct can be an action in one context but not in another. Actions turn out to be more like cheques than fundamental physical particles: they depend on the existence of a certain type of institution for their existence. Moreover, since the same general institution can be instantiated in different ways in different contexts, there can be social differences regarding both how cheques work and what in particular can count as action. Dennett is useful here too. Dennett thinks that informational states are objectively real, but that folk-theoretic ascriptions of intentional states are relative to a particular stance. The point of the simplification that comes with the intentional stance is pragmatic—it is necessary for explanation and prediction of the conduct of ourselves and others. Much the same holds for action: behavior is objectively real, but action ascriptions are relative to what might be called the moral stance, the point of which is, at least in part, control of ourselves and others.

2. NON-PARADIGMATIC ACTIONS

Instead of explicitly examining disagreement about how to ascribe responsibility, I am going to turn to a new topic: non-paradigmatic actions. As will become evident, consideration of such actions intrinsically involves reflection about how to ascribe responsibility for the conduct in question. I will omit differentiation between inter and intra-social disagreement, as it is not central to this new topic.

The non-paradigmatic actions in question are group or social actions and mental actions. Paradigmatic actions are such events as buyings of newspapers. These are public, like social phenomena, yet attributable to individuals, like psychological phenomena. The non-paradigmatic actions we will examine have just one of these characteristics. Social actions are public, but are not attributable to individuals. If they were, they would not be *group* actions, but ordinary paradigmatic ones. Mental actions are attributable to individuals, but they are not public.

There is controversy about whether there really are such non-paradigmatic actions. Social scientists are interested in whether there are social actions, while philosophers of mind and action are concerned with mental actions. Such controversy warrants classifying such actions as non-paradigmatic. So far as I know, no one doubts the reality of ordinary actions, although Davidson flirts with such an idea when he says that primitive actions are the only actions there are.

‘Group’ and ‘mental’ identify sub-classes of the category ‘action’. As with the sub-class of intentional actions, these are ‘group’ and ‘mental’ due to their respective manners of production. Group actions, if there are any, are produced by groups. Mental actions are produced *sotto voce*, internally, as it were. This is perfectly compatible with ascriptivism. The ascriptivist does not deny that actions are produced somehow. Nor need the ascriptivist deny that the manner of production is relevant to the kinds of actions that there are. All the ascriptivist denies is that manner of production has anything to do with how an event comes to count as an action. Compare this with institutional phenomena. A slip of paper comes to count as a cheque because of its relation to the institution of banking, but it counts as a *bad* cheque when, e.g., it is produced by somebody with no authority to write cheques on the account in question. Certain sorts of bodily contact are fouls in basketball because of the rules of the game, but they are *nasty* fouls because, e.g., they are produced with the intention to injure opposing players.

The ascriptivist can offer further explanation for our unease with group and mental actions: ascriptions of responsibility work differently and awkwardly in these cases compared to normal actions. Let’s start with group actions. In such cases it is not appropriate to hold a single individual responsible. But the framework of attributing responsibility works most naturally with individual persons. There is a sense in which such practices can be naturally extended to include groups—hence our inclination to do so—but we simultaneously recognize that ascribing responsibility to groups differs from ascribing it to individuals, and we are not altogether sure about how it works in the less familiar case.

Consider corporate actions and ascribing responsibility to corporations. Corporations are a particularly coherent sort of group because they are held together

by a structure of rules. The law goes so far as to recognize corporations as persons. There is widespread desire to ascribe responsibility (typically blame) to corporations for certain types of conduct, but it is also clear that this is a complex matter. The very same formal structure that defines corporations as individuals of some sort also often ensures that it is inappropriate to ascribe responsibility to particular individuals for corporate actions. Corporate practical decision-making is typically distributed among persons, or, even more complexly, among sub-groups. The result is that corporate practical decision-making—i.e., the kind of cognitive process that produces corporate actions—is not performed by one single individual.³⁵⁰ Normal ascriptions of responsibility are first and foremost to the person who produces an action—that's whose action it is, after all. There typically is no such person behind corporate actions. But when we try to lay our hands on them to hold them responsible, corporations—or at least the guilty parties within them—can be very elusive. Holding particular people responsible for corporate actions can be inappropriate. The contribution of any given person to the cognitive work that produces a given corporate action can be strikingly disproportionate to the severity of the bad (or good) done via the action. Moreover, the fact that such people are just doing their job does seem to carry some weight in mitigating their culpability for what eventually happens. When we hold CEO's responsible for group actions, it is because of the authority they have by virtue of the rules that define the corporation in question. It is typically not due to their contribution to the cognitive labour that produced the action in question. This is strikingly different from our rationale for ascribing responsibility to individuals for normal actions. Corporate actions are produced somehow, and they seem to call for ascriptions of responsibility, but at this point our moral practices encounter practical difficulties about exactly *how* to ascribe responsibility that are not found with normal actions. Surely the source of some of the controversy over group actions is such difficulties with responsibility attribution. If group actions are really, somehow, normal individual actions, then our moral practices can work normally. This would be great comfort.

The difficulties that arise with corporate actions are heightened with social actions produced by groups that lack a well-defined, formal structure. It is very difficult to trace the causal chain productive of such actions. Moreover, no one is institutionally appointed as responsible for such events. Such actions are even more tempting to reduce to individual ones than corporate ones, yet holding particular persons responsible for such actions can be even less appropriate than with corporate actions.

³⁵⁰ Incidentally, but related to this point, Bob Ware has noted to me the following difficult case for the weak productionist appeal to control as the mark of action. In curling, one member of the team slides the stone down the ice, but a great deal of control over the route and pace of the trajectory is exercised by the sweepers, independent members of the team. Typically, the shot is treated as the shooter's action. This poses weak productionism with a dilemma. If they treat the shot as the shooter's action, then they are faced with an apparent counter-example (the structure of which no doubt appears elsewhere). If they insist on control as the mark of action, then it looks like curling shots are group actions, but such a view revises our lay taxonomy of actions. I doubt that this dilemma is fatal, but cases such as this certainly demand attention.

Should the ascriptivist take a position on the possibility of group actions? I am inclined to think so. It seems to me that the ascriptivist should think that, in our society, group actions are both possible and, probably, actual. There are two reasons for ascriptivism to do this. One is its commitment, as here presented, to following and not revising the lay taxonomy of actions. Although their status is strikingly indeterminate compared to paradigmatic actions, my impression is that the lay taxonomy admits group actions more than it works against their recognition. Ascriptivists should follow this lead. Second, I have defended a pragmatic view of the grounds of the propriety of responsibility deployment. Given that there seems to be an issue for metaphysicians to explain—i.e., how group actions are produced, given that events temptingly classified as ‘group actions’ occur, but no particular individual produces them—it seems to me that the pragmatic standard is probably satisfied. Pragmatically speaking, corporations *are* agents. Notably, the law concurs.

The deep story is the same with mental actions—we are not sure *how* attributions of responsibility work here—but the details are different from the group case. Since mental actions do not, at least initially, involve the external world including, crucially, other people, there is no apparent reason for responsibility to be ascribed interpersonally for them. More specifically, there is no reason for responsibility to be ascribed by others from a third-person perspective for such events. Ordinary responsibility attribution, however, is exactly like this—interpersonal, from the third person. So when we find ourselves contemplating ascribing responsibility for putative mental actions, it is only natural that we are not sure about *how* our moral practices work here.

At base, the case of mental actions is simpler to deal with than that of group actions. Consequently, I am willing to wager that many have the sense that mental actions are more like paradigmatic actions than group ones are. My guess is that many who would do away with the notion of group actions would find similar eliminativism about mental actions very strange. With mental actions, we turn the social apparatus of ascribing responsibility upon ourselves. This might sound strange—for one, it appears that such practices are no longer being used in a social context, which is their natural home—but there are good reasons for doing this. First, mental actions, or at least their products, are often potentially public. They would typically become public through normal actions or through communication. This means that the normal, interpersonal arena for ascribing responsibility is not really very far away. Second, and relatedly, holding ourselves responsible even for mental events can be an effective part of exercising self-control. ‘Self-control’ has two connotations here. There is the normal sense, deeply related to the first point, of ensuring that we do not perform normal actions that are somehow wrong. There is, however, the distinct sense of exercising control over one’s life *qua* autonomous being. Holding oneself morally responsible for certain sorts of thought can be part of the design and eventual implementation of a lifeplan. For instance, one might praise oneself for continual critical evaluation of the presuppositions behind one’s evaluations. ‘Self-control’ here means something akin to ‘self-shaping’ rather than ‘self-preventing’.

Besides all this, holding ourselves responsible for mental events might just be unavoidable. Richard Nisbett and Lee Ross have influentially and provocatively

argued that self-interpretation works in the same way as other-interpretation.³⁵¹ My impression is that we do not *try* to evaluate the conduct of others. Rather, we just do it—we see good and bad things all the time because we need special reasons (that are usually not provided) to suspend our moral practices. If responsibility is fairly automatically ascribed, and if self-interpretation is the same as other interpretation, then it would take either considerable effort or cognitive dysfunction not to turn such practices on ourselves.

Given that mental actions and group actions are non-paradigmatic, we should have the following impressions:

- a) That in considering these we are *extending* our criterion of action, not applying it straightforwardly.
- b) That these sorts of action are less acceptable, more controversial, than paradigmatic ones. Consequently, with group and mental actions but not with normal actions, there is room to doubt reasonably i) particular cases, and ii) these entire sub-categories.
- c) That such doubt stems from difficulties in seeing how to ascribe responsibility for these events, in the face of an apparently reasonable desire to do so.

It is consequently entirely appropriate to leave this account of these non-paradigmatic actions suggestive rather than conclusive.

3.PRODUCTION ISSUES AND THEORIES OF ACTION-EXPLANATION

It is also appropriate to finish this book with some words about the production of actions. I have spilt lots of ink trying to sever examination of the status question from examination of production issues, but perhaps I can say something about what relationships there are between these domains. How are action and acting related? On the study of production issues: separating these from status issues should lessen the grip on us of old ways of thought. I have criticized arguments on at least two important production issues—the origin of action and the constituents of complex actions—and the production question has not even been my primary topic. If the status of actions is secured independently of processes of action production, meaning that status theories need not be production theories as well, then examination of production issues is also freed from one force that has shaped investigation of this territory. The door is fully opened for ecumenical, properly empirical examination of the potential array of ways actions are produced. It strikes me that the most important issue here is mental causation, and that other issues are just aspects of this one that exhibit its complexity in varying degrees. But I could be wrong. That's what often happens with initial conjectures about empirical issues.

To reject productionism is also to make a substantial break with the so-called Socratic tradition of studying action. This is a long, rich tradition. In separating

³⁵¹ Richard Nisbett & Lee Ross, *Human Inference: Strategies and Shortcomings of Social Judgment* (Englewood Cliffs, 1980).

production and status issues, one limits this tradition to the study of the production of actions, and it would probably not have exclusive reign there.

Even more positively, still using the terms of this investigation: to act is to produce an action. It is reasonable to think that such production is typically a complex causal process involving feedback about the progress of the process to whatever cognitive systems (or persons, or even sub-groups of corporations, in the case of actions produced by processes distributed across persons) control and/or execute the whole affair. Strictly speaking, action is not this process but its product.³⁵² However, I assume that there are a variety of ways action can be related to the processes that produce it. Examining these is a task for an investigation of production issues, not for one of the status question.

More interestingly, when one acts, one produces an event that is what it is because of the social status it turns out to have. It gets this social status due to the role of the person and the event within the practices via which the reactive attitudes are exercised in a particular time and place. Such an arrangement amounts to a way of living. Hence to act is to participate in a form of life.³⁵³ Given the starting point of this investigation, this is an appropriate thought on which to finish.³⁵⁴

³⁵² Incidentally, I take it that behavior works the same way: behaving is the process of producing behavior.

³⁵³ Perhaps this should not be surprising. Reflect on our lay taxonomy of actions. Paradigmatic actions are what we are normally interested in. A large part of the reason we are interested in the public events produced by others is protection and benefit. That is, we are interested in how such interpersonal happenings affect our well-being. This is reasonably taken as a legitimate concern of the moral domain. Non-paradigmatic actions, be they mental, group, or mere bodily movements, are not of primary concern for the moral domain. Criteria for the events at the heart of this domain can be extended, but not straightforwardly. Given the sorts of events that need to show up for moral purposes, it is not surprising that the events picked out by our lay taxonomy are deeply tied to those practices that constitute the moral fabric of our way of living.

³⁵⁴ These closing remarks evoke the spirit if not the word of a discussion by Bob Ware of the differences between acts and actions. I am inclined to treat these as, roughly, synonymous, but Ware examines points of difference. In particular, he claims non-humans produce actions but not acts, which pertain only to humans (Robert Ware, 'Acts and Action'. *Journal of Philosophy*, Vol. 70, Issue 13, On Trying and Intending (July 19, 1970), p. 406, p. 414). This is very much the way I have cast actions. Much of what I have said in this book could perhaps be translated into terms of acts in Ware's sense.

BIBLIOGRAPHY

- Atwell, J. E. 1969. "The Accordion-Effect Thesis", *Philosophical Quarterly* 19.
- Audi, Robert. 1993. *Action, Intention, and Reason*. Ithaca: Cornell University Press.
- Aune, Bruce. 1977. *Reason and Action*. Dordrecht: D. Reidel Publishing Company.
- Aristotle. 1947. *Nicomachean Ethics*. Trans. By W.D. Ross. In *Introduction to Aristotle*. Ed. Richard McKeon. New York: Random House Inc.
- Baier, Annette. 1971. "The Search for Basic Actions". *American Philosophical Quarterly*. Vol. 8, No. 2 (April), pp. 161-170.
- Baier, Kurt. 1970. "Responsibility and Action". In Brand 1970.
- Baker, G.P. 1977. "Defeasibility and Meaning". In Hacker & Raz.
- Bennett, Jonathan. 1995. *The Act Itself*. Oxford: Clarendon Press.
- Bhargava, Rajeev. 1992. *Individualism in Social Science—Forms and Limits of a Methodology*. Oxford: Oxford University Press.
- Bickenbach, Jerome E. 1983. "The Defence of Necessity". *Canadian Journal of Philosophy*, 13, pp. 79-100.
- . (ed.). 1998. *Canadian Cases in the Philosophy of Law, 3rd Edition*. Peterborough, Ontario: Broadview Press.
- Bishop, John. 1989. *Natural Agency: An Essay on the Causal Theory of Action*. Cambridge: Cambridge University Press.
- Black, Max. (ed.). 1964. *Philosophy in America*. Ithaca, NY: Cornell University Press.
- Brand, Myles (ed.). 1970. *The Nature of Human Action*. Glenview, Illinois: Scott, Foresman and Company.
- . 1984. *Intending and Acting: Toward a Naturalized Action Theory*. Cambridge, Massachusetts: The MIT Press—A Bradford Book.
- . 1989. "Proximate Causation of Action". In Tomberlin 1989.
- Bransen, Jan & Stefaan E. Cuypers. (eds.). 1998. *Human Action, Deliberation and Causation*. Dordrecht: Kluwer Academic Publishers.
- Brooks, Rodney. 1991. "Intelligence Without Representation". *Artificial Intelligence*, 47, pp. 139-59.
- Bruner, Jerome. 1990. *Acts of Meaning*. Cambridge, Massachusetts: Harvard University Press.
- Buckareff, Andrei, & Jing Zhu. 2003. "Causalism Reconsidered". *Dialogue: Canadian Philosophical Review*.
- Burge, Tyler. 1979. "Individualism and the Mental". In French *et. al.*
- Candlish, Stewart. 1983-4. "Inner and Outer Basic Action". *Proceedings of the Aristotelian Society, New Series—Vol., LXXXIV*.
- Cavell, Stanley. 1969. *Must We Mean What We Say?*. New York: Cambridge University Press.
- Charles, David. 1984. *Aristotle's Theory of Action*. Ithaca, New York: Cornell University Press.
- Chisholm, Roderick. 1966. "Freedom and Action". In Lehrer.
- Clancey, W.J. 1997a. *Situated Cognition*. Cambridge: Cambridge University Press.
- . 1997b. "The Conceptual Nature of Knowledge, Situations, and Activity". In Feltovich *et. al.*
- Clark, Andy. 1989. *Microcognition: Philosophy, Cognitive Science, and Parallel Distributed Processing*. Cambridge, Massachusetts: The MIT Press.
- . 1997. *Being There: Putting Brain, Body, and World Together Again*. Cambridge, Massachusetts: The MIT Press—A Bradford Book.
- Clark, Andy, & David. Chalmers. 1998. "The Extended Mind". *Analysis*, 58.1, January, pp. 7-19.
- Collins, Arthur W. 1987. *The Nature of Mental Things*. Notre Dame, Indiana: University of Notre Dame Press.
- Cragg, Wesley & Christine M. Koggel. (eds.). 1997. *Contemporary Moral Issues, 4th Edition*. Toronto: McGraw-Hill Ryerson Limited.

- Crisp, Roger & Michael Slote. (eds.). 1997. *Virtue Ethics*. Oxford: Oxford University Press.
- Dancy, Jonathan. 1985. *Introduction to Contemporary Epistemology*. Oxford: Oxford University Press.
- Danto, Arthur C. 1973. *Analytical Philosophy of Action*. Cambridge: Cambridge University Press.
- . 1979. "Basic Actions and Basic Concepts". *Review of Metaphysics* 32, no. 3, March 1979, pp. 471-85. Reprinted in Danto 1999.
- . 1999. *The Body/Body Problem: Selected Essays*. Berkeley: University of California Press.
- Davidson, Donald. 1980. *Essays on Actions and Events*. Oxford: Oxford University Press.
- . "Actions, Reasons, and Causes". In Davidson 1980.
- . "Agency". In Davidson 1980.
- . "Freedom to Act". In Davidson 1980.
- . "Intending". In Davidson 1980.
- . 1987. "Knowing One's Own Mind". *The Proceedings and Addresses of the American Philosophical Association*, 60, pp. 441-58.
- Dennett, Daniel. 1969. *Content and Consciousness*. Reprinted in 1986: London: Routledge & Kegan Paul.
- . 1984. *Elbow Room*. Cambridge, Massachusetts: The MIT Press.
- . 1987. *The Intentional Stance*. Cambridge, Massachusetts: The MIT Press.
- Donagan, Alan. 1987. *Choice: The Essential Element in Human Action*. London: Routledge & Kegan Paul.
- Dretske, Fred. 1988. *Explaining Behavior: Reasons in a World of Causes*. Cambridge, Massachusetts: The MIT Press.
- Duff, R.A. 1990. *Intention, Agency, and Criminal Liability: Philosophy of Action and the Criminal Law*. Oxford: Basil Blackwell Ltd.
- Fattah, Ezzat A. 1997. "Is Capital Punishment a Unique Deterrent?". In Cragg and Koggel.
- Feinberg, Joel. 1964. "Action and Responsibility". in Black.
- Feltovich, P. J., K. M. Ford, & R. R. Hoffman (eds). 1997. *Expertise in Context*. Cambridge, Massachusetts: The MIT Press.
- Fischer, John Martin. 1994. *The Metaphysics of Free Will: An Essay on Control*. Oxford: Blackwell Publishers Ltd.
- Fischer, John Martin, and Mark Ravizza. (eds.). 1993. *Perspectives on Moral Responsibility*. Ithaca: Cornell University Press.
- . 1998. *Responsibility and Control: A Theory of Moral Responsibility*. Cambridge: Cambridge University Press.
- Frankfurt, Harry. 1969. "Alternate Possibilities and Moral Responsibility". *Journal of Philosophy*, 68, pp. 5-20.
- . 1997. "The Problem of Action". In Mele 1997.
- French, P. A., T. E. Uehling, Jr., & H. K. Wettstein (Eds.). 1979. *Midwest Studies in Philosophy 6: Studies in Metaphysics*. Minneapolis: University of Minnesota Press.
- Geach, P. T. 1960. "Ascription". *Philosophical Review*, LXIX.
- Gillett, Carl, & Barry Loewer, eds. 2001. *Physicalism and Its Discontents*. Cambridge: Cambridge University Press.
- Ginet, Carl. 1989. *On Action*. Cambridge: Cambridge University Press.
- Goldman, Alvin I. 1970. *A Theory of Human Action*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc.
- Hacker, P.M.S. & J. Raz. (eds.). 1977. *Law, Morality, and Society: Essays in Honour of H.L.A. Hart*. Oxford: Clarendon Press.
- Hart, H. L. A. (1948-9). "The Ascription of Responsibility and Rights". *The Proceedings of the Aristotelian Society*.
- . 1961. "Legal Responsibility and Excuses". In Hook.
- Hart, H.L.A. & Tony Honoré. 1985. *Causation in the Law, 2nd Edition*. Oxford: Clarendon Press.
- Heil, John. 1992. *The Nature of True Minds*. Cambridge: Cambridge University Press.
- Heil, John & Alfred Mele. (eds.). 1993. *Mental Causation*. Oxford: Clarendon Press.
- Honoré, A.M. 1964. "Can and Can't". *Mind*, Vol 73, # 292 (Oct.), pp. 463-79.
- Hook, Sidney. (ed.). 1961. *Determinism and Freedom In the Age of Modern Science*. New York: Collier Books.
- Horgan, Terence. 1989. "Mental Quasaction". In Tomberlin 1989.
- Hornsby, Jennifer. 1980. *Actions*. London: Routledge & Kegan Paul.

- . 1997a. *Simple-Mindedness: In Defense of Naïve Naturalism in Philosophy of Mind*. Cambridge, Massachusetts: Harvard University Press.
- . 1997b. "Agency and Causal Explanation". In Mele 1997.
- Hurley, S.L. 1998. *Consciousness in Action*. Cambridge, Massachusetts: Harvard University Press.
- Hutchins, Edwin. 1995. *Cognition in the Wild*. Cambridge, MA: MIT Press.
- Inwood, Brad. 1985. *Ethics and Human Action in Early Stoicism*. Oxford: Clarendon Press.
- James, William. 1890/1950. *Principles of Psychology, Vols. 1 & 2*. New York: Dover.
- Juarrero, Alicia. 1999. *Dynamics in Action: Intentional Behavior as a Complex System*. Cambridge, Massachusetts: The MIT Press—A Bradford Book.
- Kennett, Jeanette. 2001. *Agency and Responsibility: A Common-sense Moral Psychology*. Oxford: Clarendon Press.
- Kim, Jaegwon. 1993. "The Non-Reductivist's Troubles with Mental Causation". In Heil & Mele 1993.
- . 1998. *Mind in a Physical World: An Essay on the Mind-Body Problem and Mental Causation*. Cambridge, Massachusetts: The MIT Press.
- Kincaid, Harold. 1994. "Reduction, Explanation, and Individualism". In Martin & McIntyre.
- . 1996. *Philosophical Foundations of the Social Sciences: Analyzing Controversies in Social Research*. Cambridge: Cambridge University Press.
- Ladd, J. 1965. "The Ethical Dimensions of the Concept of Action". *Journal of Philosophy* LXII. 633-645.
- LaFollette, Hugh, & Niall Shanks. 1996. *Brute Science: Dilemmas of Animal Experimentation*. London: Routledge.
- Lehrer, Keith. (ed.). 1966. *Freedom and Determinism*. New York: Random House.
- Lukes, Steven. 1994. "Methodological Individualism Reconsidered". In Martin & McIntyre.
- MacIntyre, Alisdair. 1978. "Rationality and the Explanation of Action". In *Against the Self-Images of the Age*. Notre Dame: University of Notre Dame Press 1978.
- . 1986. "The Intelligibility of Action". In Margolis *et al.*
- Margolis, J. M. Krausz, & R.M. Burian (eds.). 1986. *Rationality, Relativism and the Human Sciences*. Dordrecht: Martinus Nijhoff Publishers.
- Martin, Michael. 1987. *The Legal Philosophy of H.L.A. Hart: A Critical Appraisal*. Philadelphia: Temple University Press.
- Martin, Michael & Lee. C. McIntyre. (eds.). 1994. *Readings in The Philosophy of Social Science*. Cambridge, Massachusetts: The MIT Press—A Bradford Book.
- McCann, Hugh. 1998. *The Works of Agency: On Human Action, Will, and Freedom*. Ithaca: Cornell University Press.
- . "Introduction". In McCann 1998.
- . "Volition and Basic Action". In McCann 1998.
- . "Trying, Paralysis, and Volition". In McCann 1998.
- McDowell, John. 1997. "Virtue and Reason". In Crisp and Slote.
- . 1998. *Mind, Value, and Reality*. Cambridge, Massachusetts: Harvard University Press.
- . "Aesthetic Value, Objectivity, and the Fabric of the World". In McDowell 1998.
- Melden, A. I. 1956. "Action". *Philosophical Review* LXV. 529-541.
- . 1961. *Free Action*. London: Routledge & Kegan Paul.
- Mele, Alfred R. 1992. *Springs of Action: Understanding Intentional Behavior*. Oxford: Oxford University Press.
- . 1995. *Autonomous Agents: From Self-Control to Autonomy*. Oxford: Oxford University Press.
- . (ed.) 1997. *The Philosophy of Action*. Oxford: Oxford University Press.
- Mele, Alfred R. & Paul K. Moser. 1994. "Intentional Action". *Noûs* 28, pp. 39-68.
- Miller, Richard W. 1994. "Methodological Individualism and Social Explanation". In Martin & McIntyre.
- Millikan, Ruth Garrett. 1993. "Explanation in Biopsychology". In Heil & Mele.
- Moya, Carlos J. 1990. *The Philosophy of Action: An Introduction*. Cambridge: Polity Press, in association with Basil Blackwell.
- Nelson, Alan J. 1994. "Social Science and the Mental". In Martin & McIntyre.
- Nisbett, Richard & Lee Ross. 1980. *Human Inference: Strategies and Shortcomings of Social Judgment*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc.
- Nozick, Robert. 1981. *Philosophical Explanations*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- O'Connor, Timothy (ed.). 1995. *Agents, Causes, and Events: Essays on Indeterminism and Free Will*. Oxford: Oxford University Press.

- O'Shaughnessy, Brian. 1980. *The Will: A Dual Aspect Theory, Vols. 1 & 2*. Cambridge: Cambridge University Press.
- . 1997. "Trying (as the Mental 'Pineal Gland')." In Mele 1997.
- Paprzycka, Katarzyna. 1997. *Social Anatomy of Action: Toward a Responsibility-Based Conception of Agency*. Ph.D. Dissertation: University of Pittsburgh. Available at <http://www.swps.edu.pl/Paprzycka/xDissertation.html>.
- . 2002. "False Consciousness of Intentional Psychology". *Philosophical Psychology*, Vol. 15, No. 3 (September), pp. 271-295.
- Peacocke, Christopher. 1979. *Holistic Explanation: Action, Space, Interpretation*. Oxford: Oxford University Press.
- Pettit, Philip. 2001. *A Theory of Freedom: From the Psychology to the Politics of Agency*. Oxford: Oxford University Press.
- Pietroski, Paul. 2000. *Causing Actions*. Oxford: Oxford University Press.
- Pink, Thomas. 1996. *The Psychology of Freedom*. Cambridge: Cambridge University Press.
- Pinker, Steven. 1994. *The Language Instinct*. New York: Harper Perennial.
- Pitcher, George. 1960. "Hart on Action and Responsibility". *Philosophical Review* LXIX.
- Prichard, H.A. 1949. "Duty and Ignorance of Fact". In *Moral Obligation*. Oxford: Clarendon.
- . 1949. "Does Moral Philosophy Rest on a Mistake?". In *Moral Obligation*. Oxford: Clarendon.
- Putnam, Hilary. 1975. "The Meaning of 'Meaning'". In *Philosophical Papers, ii*. Cambridge: Cambridge University Press.
- Rey, Georges. 2001. "Physicalism and Psychology: A Plea for a Substantive Philosophy of Mind". In Gillett & Loewer.
- Rowlands, Mark. 1999. *The Body in Mind: Understanding Cognitive Processes*. Cambridge: Cambridge University Press.
- Russell Paul. 1992. "Strawson's Way of Naturalizing Responsibility", *Ethics*, Vol. 102, Issue 2 (Jan.), pp. 287-302.
- Ryle, Gilbert. 1949. *The Concept of Mind*. Reprinted Chicago: The University of Chicago Press, 1984.
- Schoeman, F. (ed.). 1987. *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*. Cambridge: Cambridge University Press.
- Sellars, Wilfrid. 1973. "Actions and Events". *Nous* 7, pp. 179-202.
- Shagrir, Oron. 2001. "Content, Computation, and Externalism". *Mind*, Vol. 110, 438 (April), pp. 369-400.
- Simon, Michael. 1982. *Understanding Human Action: Social Explanation and the Vision of Social Sciences*. Albany, NY: State University of New York Press.
- Sneddon, Andrew. 2000. "Swamp Action". *Philosophical Writings*. No. 13, Spring, pp. 53-69.
- . 2001a. "Considering Causalisms". *Dialogue: Canadian Philosophical Review*, Vol. XL, no. 2, pp. 343-66.
- . 2001b. "Does Philosophy of Action Rest on a Mistake?". *Metaphilosophy*. Vol. 32, No. 5, pp. 502-522.
- . 2002. "Towards Externalist Psychopathology". *Philosophical Psychology*. Vol 15, No. 3 (September), pp. 297-316.
- Stich, Stephen. 1990. *The Fragmentation of Reason: Preface to a Pragmatic Theory of Cognitive Evaluation*. Cambridge, Massachusetts: The MIT Press—A Bradford Book.
- Stout, Rowland. 1996. *Things That Happen Because They Should: A Teleological Approach To Action*. Oxford: Oxford University Press.
- Stoutland, Frederick. 1998. "The Real Reasons". In Bransen & Cuypers.
- Strawson, P.F. 1959. *Individuals: An Essay in Descriptive Metaphysics*. London: Methuen.
- . 1974. "Freedom and Resentment". In *Freedom and Resentment and Other Essays*. London: Methuen.
- Taylor, Charles. 1964. *The Explanation of Behaviour*. London: Routledge & Kegan Paul.
- Taylor, Richard. 1966. *Action and Purpose*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc.
- Tomberlin, James E. (ed.). 1989. *Philosophical Perspectives, 3: Philosophy of Mind and Action Theory, 1989*. Atascadero, California: Ridgeview Publishing Company.
- Wallace, R. Jay. 1994. *Responsibility and the Moral Sentiments*. Cambridge, Massachusetts: Harvard University Press.
- Ware, Robert. 1973. "Acts and Action". *Journal of Philosophy*, Vol. 70, Issue 13, On Trying and Intending (July 19), pp. 403-418.

- Watson, Gary. 1987. "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme." In Schoeman.
- White, Alan R. 1985. *Grounds of Liability: An Introduction to the Philosophy of Law*. Oxford: Clarendon Press.
- Wiggins, David. 1998. *Needs, Values, Truth 3rd Edition*. Oxford: Clarendon Press.
- . "Truth, Invention, and the Meaning of Life". In Wiggins 1998.
- . "A Sensible Subjectivism?". In Wiggins 1998.
- Wilson, Robert A. 1994. "Wide Computationalism". *Mind*, 103, pp. 351-372.
- . 1995. *Cartesian Psychology and Physical Minds: Individualism and the Sciences of the Mind*. New York: Cambridge University Press.
- . 2001. "Two Views of Realization". *Philosophical Studies* 104, 1 (May), pp. 1-31.
- Wittgenstein, Ludwig. 1953. *Philosophical Investigations*. Trans. G.E.M. Anscombe. Oxford: Basil Blackwell Ltd.
- Wolf, Susan. 1990. *Freedom Within Reason*. New York: Oxford University Press.

INDEX

- ability, 42, 52, 53, 81, 83, 84, 89, 91, 98, 110. *See also* capacity and skill
- accident, 24, 30, 123, 124, 125, 161
- accordion-effect, 39, 40, 41, 107, 110
- action
- acts and actions, differences between, 180
 - basic, 40, 97, 98, 99, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 119, 124, 125, 127, 128, 129, 136, 138, 139, 141, 143, 144, 145, 168
 - causal theory of (CTA), 14, 120, 123, 124, 125, 126, 127, 128, 129, 130, 133, 134, 135, 141, 151, 153, 155, 167, 168
 - complex, 40, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 114, 115, 125, 135, 139, 141, 146, 154, 179, 180
 - declarative use, 37
 - description, 30, 40, 41, 46, 50, 51, 98, 108, 109, 110, 115, 133
 - direct/indirect, 91, 97, 100, 102, 104, 106, 109, 115, 129, 155
 - failure, 42, 44, 76, 81, 84, 139, 148
 - group, 176, 177, 178
 - heteromesial activity, 126, 127
 - inside-out approach, 134, 136, 166, 167
 - instrumental, 139, 141
 - mediated/unmediated/immediate, 41, 97, 101, 102, 105, 106, 114, 115
 - mental, 142, 143, 146, 176, 178, 179
 - necessary and/or sufficient conditions for, 13, 15, 17, 20, 21, 24, 29, 30, 50, 119, 121, 140, 172, 173, 175
 - non-basic, 98, 101, 103, 106, 128, 143
 - normativity of, 44, 45
 - origin, 4, 5, 6, 53, 126, 143, 151, 153, 156, 179
 - outside-in approach, 134, 166
 - plan, planning, 83, 125, 126, 127, 129
 - predicative use, 36, 37
 - recognition, 8, 10, 23, 25, 178
 - swamp, 152, 156, 158, 162, 167
 - theory of action explanation, 2, 3
 - trees, 98

- actionhood, criteria of, 10, 13, 16, 37
- action-result problem, 142, 143, 144, 147
- Agassi, Andre, 82, 83
- agency, 39, 76, 107, 127, 134, 164, 166, 175
- agent causationism, 3, 7
- anthropocentrism, 50, 169, 170
- anti-causalism, 3
- anti-infinite regress, 91, 102, 104, 105, 106, 107, 108, 111, 112, 114, 116, 146, 147
- Aristotle, 4, 49, 111
- arm, 1, 47, 140, 145, 154
- ascriptivism, 4, 7, 8, 10, 19, 25, 26, 27, 30, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 46, 47, 49, 51, 52, 67, 77, 81, 92, 130, 168, 169, 170, 172, 173, 175, 176. *See also* neo-ascriptivism
 - narrow, 30, 32, 43
 - wide, 31, 32, 43
- Atwell, 35, 39, 41
- Austin, 39
- authority, 91, 176, 177
- autonomy, 67, 68, 69, 70, 73, 75, 77, 78, 79. *See also* morality, as autonomous domain
 - a posteriori* autonomy thesis, 70
 - a priori* autonomy thesis, 70
 - general autonomy thesis, 69
 - negative autonomy, 67
 - positive autonomy, 68, 69
 - positive autonomy thesis, 75
 - positive autonomy thesis for the moral, 73
- Baier, 5, 26
- Baier, A., 40, 99, 100, 117
- Baker, G. P., 20, 169, 175
- baseball, 67
- basicness, 101, 108, 110, 115, 116
- basketball fouls, 176
- belief, 2, 6, 52, 63, 91, 98, 110, 112, 115, 120, 121, 122, 124, 133, 148, 152
- Bhargava, 165
- Bickenbach, 61, 62
- biology, 69, 83, 91, 122
- Bishop, 6, 13, 14, 98, 120, 124, 125, 126, 127, 128, 129, 130, 142, 143, 166
- blame, 21, 27, 28, 31, 34, 44, 46, 81, 89, 156, 157, 159, 174, 177
- blink. *See* wink
- bodily movement, 1, 3, 6, 39, 46, 47, 58, 98, 99, 106, 107, 108, 115, 116, 125, 126, 145, 146, 153, 154
 - intransitive, 145, 147
- Brand, 33, 34, 36, 38, 43, 122, 124, 125, 126, 128, 129
- breathing, 114, 131
- Brooks, R., 164
- Bruner, 133
- Burge, 163
- calling, constitutive and descriptive, 37
- can. *See* uses of the word 'can', particular and general

- Candlish, 116
- cannabis*, 62
- capacity, 4, 53, 81, 90. *See also* ability and skill
- capital punishment, 59
- causalism, 2, 6, 11, 13, 24, 67, 98, 100, 119, 120, 121, 125, 135
 - restricted-causalism, 120, 121
- cause
 - causal control. *See* control
 - causal deviance, 121, 123, 124, 125, 126, 127, 128, 130, 141, 153, 155
 - causal future, 6
 - causal history, 52, 120, 143, 144, 152, 155, 158, 167
 - causal powers. *See* ability and capacity
 - non-proximate, 125
 - sustained causation, 127
- Cavell, 86
- CEO. *See* corporations
- character, 46
- Charles, 4
- chemistry, 67, 68, 69
- children, 28, 33, 34, 43, 80, 85, 174
- Chisholm, 124
- choice, 4, 62, 173. *See also* free will
- Clancey, 164
- Clark, 95
- coercion, 60
- cognitivism, 169
- Colombia, 62
- Communitistic communal, 33
- competence, 34, 59, 61, 80, 81, 82, 83, 86, 87, 88, 91, 92, 93, 95
 - individuated competence, 53, 81, 82, 91
- complex adaptive systems theory, 154
- computational processes, 164
- consent, 21
- consequences, 21, 22, 24, 25, 38, 40, 41, 60, 61, 107, 143, 144, 147, 160
- consequentialism, 71, 72
- contextualism, 82, 86
- contract, 20, 21, 25, 37
- control, 3, 5, 52, 60, 62, 79, 83, 84, 85, 88, 91, 126, 127, 129, 134, 151, 166
 - and causation, 133
 - and feedback, 155
 - and Fischer, 156, 157, 158, 161, 166
 - and Frankfurt, 153, 154, 159, 161, 166
 - and guidance, 153, 157, 158
 - and Juarrero, 154, 155, 166
 - and production, 166
 - and reactive attitudes, 157
 - and responsibility, 91, 157
 - and self-control, 178

- and sensitivity, 126
- and sustained causation, 127
- and swamp behavior, 153
- causal control, 6
- discursive control, 90
- inside-out approach. *See* action
- outside-in approach. *See* action
- regulative, 157
- cooking, 67
- corporations, 28, 91, 176, 178, 180
- could-have-done-otherwise, 54
- credit, 21, 43
- crime, mental element in, 56, 57, 60, 61, 63, 64
- criminal, 59
- CTA. *See* action, causal theory of
- Dancy, 58, 112
- dangerous driving, 59, 61
- Danto, 97, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109, 111, 114
- Davidson, 2, 39, 98, 99, 101, 102, 103, 104, 106, 107, 109, 110, 115, 119, 122, 123, 128, 130, 131, 135, 152, 176
- decision, 20, 22, 23, 26, 35, 37, 60, 91, 177
- defeasibility, 20, 21, 22, 25
- Dellinger, Walter, 160
- Dennett, 54, 92, 99, 133, 172, 175
- deontology, 72
- depth metaphor, 94
- desire, 2, 4, 6, 52, 71, 91, 115, 121, 122, 124, 129, 133, 134, 141, 152
- determinism, 45, 54, 73, 74, 78, 89
- domain of judgment, 67, 68
- Donagan, 4
- Dretske, 132
- Duff, 56, 57, 58, 59
- education, 81, 93, 158
- emperor and the execution example, 34, 35
- engineers, 164
- epistemology, 7, 17, 57, 72, 73, 101, 104, 112, 116
- ethology, 132
- event. *See* inner events
 - and status question, 1
 - event causality, 107, 108
 - inner events. *See* mentality
 - morally neutral, 30, 31, 43
 - psychological event. *See* mentality
 - voluntary, 36
- excusing condition, 60, 79
- explanation, 2, 3, 4, 5, 7, 8, 11, 41, 83, 101, 113, 115, 119, 120, 121, 131, 133, 134, 148, 152, 153, 163, 164, 165, 175, 176, 179

- extensionalism, 100
- externalism, 8, 53, 84, 85, 88, 91, 92, 96, 151, 161, 163, 164, 165, 168, 172
- failure. *See* action
- family resemblance, 17, 172
- famine, 170
- Fattah, 59
- fear, 62, 77, 78
- feedback, 115, 127, 128, 129, 155, 161, 180
- Feinberg, 5, 35, 38, 39, 40, 41, 46, 107, 110, 131, 132, 134
- fictional characters, 171
- firing the gun example, 36, 37, 38
- Fischer, 6, 54, 79, 84, 87, 89, 92, 94, 151, 153, 154, 156, 157, 158, 160, 161, 162, 166, 168
- folk psychology, 8, 133
- Folk psychology, 133
- fork in the road example, 157
- foundationalism, 7, 97, 101, 111, 112, 116, 119, 121, 123, 128, 129, 130, 135, 139, 140, 141, 142, 144, 146, 147
- Frankfurt, 3, 6, 52, 54, 95, 123, 124, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 166
- free will, 53, 55, 60, 156
- freedom, 45, 79, 82, 89, 90, 91
 - functional characterization of freedom, 82
- Freud, 93
- function, 22
 - and system, 160
 - ascriptive, 22
 - biological, 83, 122
 - 'calling', 37
 - dysfunction, 85, 179
 - functional characterization of freedom. *See* freedom
 - hierarchy of functions for action sentences, 36
 - malfunction, 159
 - psychological, 93, 94
- games, 17, 45, 166, 176
- Geach, 4, 26, 35, 36, 37, 43
- ghosts, 171
- Ginet, C., 3
- Goldman, 6, 98, 121, 122, 125
- guidance, 55, 153, 157, 158
- guilt, 36, 37, 38, 56, 177
- habit, 42, 59, 78, 91
- handwriting example, 115
- Hart, 4, 10, 19, 20, 22, 23, 24, 25, 32, 34, 35, 36, 37, 38, 39, 43, 44, 46, 49, 50, 55, 60, 64, 81, 93, 169
- heteromesy. *See* action
- hockey example, 89
- homicide, 59
- Honoré, 53, 55

- Hornsby, 6, 98-105, 108-111, 113-115, 137, 145-147
- Hume, 112
- humour, 67, 68, 86
- Hundal v. The Queen*, 61
- Hurley, 164, 165
- Hutchins, 34, 164
- ideal rational beings, 85, 86
- identity, 1, 107, 119, 120, 138, 152
- implanted chip example, 54
- impulsive acts, 59
- individualism, 7, 85, 86, 89, 91, 92, 151, 159, 161, 162, 163, 164, 165, 166
- individuated competence. *See* competence
- individuation, 9, 38, 107, 109, 110, 134
- information, 4, 10, 68, 85, 95, 128, 154, 155, 156, 161, 167, 175
- intensionalism, 98, 100
- intentional behavior. *See* mentality
- intentional stance. *See also* mentality
- internalism, 169
- interpretive framework, 22, 23, 42, 132
- intuitionism, 72
- Inwood, 4
- Juarrero, 3, 6, 123, 130, 151, 153, 154, 155, 156, 157, 159, 160, 161, 162, 166, 168
- judgment, 20-26, 42, 55, 60, 61, 63, 67, 68, 70-73, 75, 77, 160, 169, 173
 - assessment, definition of, 69
 - moral, 55, 67, 68, 71, 72, 73, 75, 77, 169
- jurisprudence, 46, 56, 60
- justification, 62, 73, 75, 76, 77, 78, 90, 112
- Kennett, 80, 84, 85, 86, 87, 88, 89, 92, 94
- killing, 25, 46, 56, 91, 121, 124, 125, 129, 142, 145
- killing of the uncle example, 124, 129
- knowing-how, 42, 111, 113
- knowing-that, 113
- Ladd, 41, 43
- LaFollette, 83
- liability, 22, 63, 78, 160
- liar/onlooker argument, 137, 139, 142, 144, 146-149, 168
- lifeplan, 178
- logical properties, 171
- long book example, 89
- luck, 95, 124
- Lukes, S., 165
- lying, 34

- MacIntyre, 45
- Mackie, 170
- marijuana. *See cannabis*
- Martin, M., 20
- mathematics, 72, 171
- McCann, 6, 137, 142, 143, 144, 146, 147, 183
- McDowell, 86, 169, 170, 172
- meaning, 25, 38, 45, 155, 163
- meaningful actions, 45
- mechanism, 127, 128, 157. *See also* reason
- Melden, 5, 42, 45, 46, 119
- Mele, 2, 6, 98, 99
- mens rea*, 20, 56, 58, 59, 61, 62, 63, 64, 81
- mentality, 56, 132, 167. *See also* desire and belief
 - and CTA, 133
 - and the law, 57, 58, 59, 60, 61, 63
 - conations, 113, 146, 147
 - inner events, 64, 138
 - intent, intentions, intentionality, 4, 9, 100, 155, 161, 175
 - psychological event, 23, 24, 64, 72
 - rational powers. *See* reason
 - Ryle on, 113
- metaphor, 94
- Miller, R., 165
- Millikan, 96
- moral domain. *See* morality, as autonomous domain
- moral judgment. *See* judgment
- moral realism, 169
- morality, as autonomous domain, 67, 68, 71, 73, 74, 75, 78, 79, 87, 88, 92, 93
- mountain climber example, 122, 128
- Moya, 45
- murder, 25, 36, 37, 38, 56
- naturalism, 11, 14, 78, 95, 127, 132, 169, 170, 171, 172
- navigation of a ship, 34
- Navratilova, Martina, 82
- necessity, legal defense of, 62
- Nelson, A., 165
- neo-ascriptivism, 11, 49, 53, 96, 116, 130, 168
- neural activity, event, processes, 1, 91, 126
- neuroscience, 122, 123, 164
- newspaper buying example, 10, 100, 101, 103, 114, 115, 125, 145, 163, 176
- Nisbett, R., 178
- non-autonomous act of the will, 138
- non-cognitivism, 173
- non-foundationalism, 7, 8, 96, 112, 116, 130, 151
- non-human animals, 39, 132, 134

- non-individualist. *See* externalism
- non-reductionist approach, 142, 145
- nouveau volitionism. *See* volitionism
- Nozick, 17
- O'Shaughnessy, 6, 137, 138, 139, 140, 141, 142, 144, 145, 146, 148
- objectivism, 59, 61, 63, 64
- obligation, 71, 72, 73, 75, 76
- Paprzycka, 38, 49, 50, 164
- participation, 10, 42, 80, 81, 82, 84, 180
 - and reactive attitudes, 80
 - participatory perspective, 93, 95
- passive, and passivity, 3, 46, 47, 131, 132, 161
- pathological states of mind, 59, 139, 164
- pedophilia, 174
- Perka v. Regina*, 62
- pessimist example, 77, 78
- Pettit, 82, 90, 91
- philosophical psychology, 7, 151, 163, 165
- Pietroski, 6
- Pinker, S., 160
- Pitcher, 4, 38, 41, 43
- plan. *See* action
- Plato, 4
- playing piano, 43
- pluralism, 95
- Pollock, 21
- pollution, 63
- praise, 27, 28, 31, 42, 43, 44, 46, 156, 157, 159, 178
- precision of expression, 34
- premeditation, 59
- Prichard, 67, 68, 71, 73, 74, 75, 76, 92, 93, 97
- principles. *See also* rules
 - and moral rules, 42
 - of classification, 25
 - of membership in the class of acts, 138
 - theoretical parsimony, 133
- production question, 2, 97, 100, 102, 108, 137, 179
 - and status question. *See* status question
- productionism, 5, 7, 8, 11, 50, 51, 52, 53, 54, 56, 58, 64, 67, 68, 77, 81, 82, 93, 97, 141, 142, 143, 145, 147, 154, 167, 168, 169, 175, 179
 - negative productionism, 50
 - outcome productionism, 6, 52, 137, 145, 147, 167
 - strong productionism, 6, 52, 53, 55, 56, 63, 64, 119, 120, 137, 167
 - weak productionism, 6, 11, 52, 54, 56, 63, 64, 84, 85, 87, 92, 151, 153, 154, 162, 168
- promotion example, 41. *See*
- proof, in law, 57, 60, 61
- properties

- act- and actionmaking, 98, 105, 130
- causal, 170
- logical, 171
- mathematical, 171
- non-objective, 171
- objective, 170
- of individuals, 7, 53, 151, 163, 165, 168
- physical, 22
- psychological, 54
- subjective, 170
- property analogy, Hart's, 20, 22, 23, 25, 34
- property rights, 19, 24, 34
- prototype. *See* family resemblance
- prowler example, 107
- psychoanalysis, 93
- psychopathology, 164
- public, 7, 23, 37, 41, 42, 54, 58, 59, 63, 64, 80, 81, 83, 92, 93, 94, 95, 133, 145, 163, 176, 178
- public welfare offenses, 63
- punishment, 4, 34, 59, 60, 79, 174
- purposive behavior or movement, 154, 159
- Putnam, 163
- R. v. City of Sault Ste. Marie*, 63
- rationalization. *See* reason
- Ravizza, 6, 54, 79, 84, 87, 89, 92, 94, 151, 156, 157, 158, 161
- reactive attitudes, 74, 77, 78, 79, 80, 81, 84, 85, 92, 95, 156, 157, 158, 159, 161, 180
- Real/Not-Objective, 171
- Real/Objective, 171
- realism, 21, 23, 169
- reality, 170
- reason
 - first-order reasons, 72, 73, 75, 76, 77
 - moral reasons, 77, 79, 85, 86, 88, 95, 169
 - rational powers, 88, 94
 - rationalization, 2, 76, 95, 115, 120, 122, 133, 164
 - reasonable people, 59, 63
 - reason-exchanging practices, 86
 - reasons and causes, 2, 95, 119, 120, 121, 122, 131, 133
 - reasons-responsive mechanism, 157, 158, 161
- referee, 166
- reflex, 3, 83, 131, 161
- relativism, 169, 172, 175
- religion, 86
- resemblance. *See* family resemblance
- responsibility
 - attribution of responsibility to someone other than the agent, 33
 - being responsible and being held responsible, difference between, 161
 - causal, 25

- criminal, 56, 64
- deferred, 34
- legal, 90, 92
- metaphysical interpretation of 'being responsible', 87, 88
- moral, 6, 11, 25-31, 51, 53-55, 130, 157-161, 163, 169, 173
- normative interpretation of 'being responsible', 88, 89
- normative notion of, 25
- partial or shared, 35
- pragmatic interpretation of 'being responsible', 87
- shared, 35
- social, 25
- strong and weak causal criteria of, 52, 53, 54, 56, 63, 64, 92
- result. *See* action-result problem
- reward, 79. *See also* credit *and* praise
- Riches at Face Value Thesis, 8
- rights, 72. *See also* property rights
- robots, 164
- Roddick, Andy, 82
- Ross, L., 178
- rules, 28, 42, 55, 64, 80, 86, 101, 113, 176, 177
- Russell, 77, 78, 79, 87
- Ryle, 112, 113, 114, 116, 146, 172
 - Strong Ryleanism, 113, 114
 - Weak Ryleanism, 113
- Sampras, Pete, 120
- scoring a goal, 45
- scratching while alone example, 43, 44
- sensibilities, 69, 76
- sensitivity, 126, 127, 128, 129
- servosystems, 127
- sexual abuse, 174
- Shagrir, O., 164
- Shanks, 83
- Simon, 45
- skepticism, 57, 61, 120, 139
- skill, 80, 110, 113, 114. *See also* ability *and* capacity
- Sneddon, A., 164
- social sciences, 7, 151, 163, 165
- Socratic tradition, 4, 179
- solitary events, activity, 44, 45
- spiders, 132, 159
- spilling of the drink example, 124, 125
- status question, 1
 - and agent's perspective, 134, 135, 136
 - and ascriptivism, 26, 33, 53, 130, 172
 - and basic actions, 102, 128, 129, 136
 - and Bishop, 13

- and causalism, 120
- and CTA, 120, 131, 136
- and Davidson, 108
- and externalism, 168
- and Fischer, 156, 159
- and foundationalism, 119, 121, 129
- and Frankfurt, 153, 154, 159
- and Hart, 24, 25
- and Hornsby, 102
- and individualism, 151, 159, 163, 165
- and Juarrero, 155, 159
- and McCann, 137, 142
- and mentality, 167
- and non-foundationalism, 151
- and non-reductionism, 142
- and O'Shaughnessy, 137, 138
- and Paprzycka, 49
- and production question, 1, 4, 5, 111, 179, 180
- and productionism, 30, 51, 77, 97, 120, 137, 142, 167, 168
- and responsibility, 51, 58, 81
- and technical term 'action', 10
- and the anti-infinite regress argument, 147
- and the swamp, 167
- and volitionism, 137, 138, 141
- descriptive inquiry into, 8
- Stich, S., 152
- Stoics, 4
- Stoutland, 148
- Strawson, 8, 67, 68, 71, 73, 74, 75, 76, 77, 79, 80, 81, 84, 85, 87, 88, 90, 92, 93, 94, 156
- striving, 138. *See* trying
- Supreme Court of Canada, 61, 62
- Swampman, 152, 156, 158
- Swampras, Pete, 120
- switch. *See* turning a light on
- taxonomy of actions, 10, 25, 32, 44, 50, 134, 140, 166, 167, 172, 178
- Taylor, C., 132
- Taylor, R., 7
- teaching, 80
- teleology, 39, 40, 41, 110
- tennis, 82, 83
- theoretical parsimony, 132
- theory of knowledge. *See* epistemology
 - analogy with moral philosophy, 72
- third-person perspective, 54, 57, 135, 139, 144, 148, 166, 178
- threat, 35, 60
- time, temporal, 115, 154, 155, 175
- token. *See* type/token distinction

- Tourette's syndrome, 174
trying, 3, 109, 137, 138, 139, 140, 142, 144, 145, 146, 147, 148
turning a light on, 44, 107, 109
type. *See* type/token distinction *and* family resemblance
type/token distinction, 14, 16, 31, 77, 78
uncertainty, 57
Unreal/Not-Objective, 171
Unreal/Objective, 171
uses of the word 'can', particular and general, 54, 55
virtues, 84
volitionism, 3, 6, 98, 137, 138, 141, 142, 146, 147, 151, 167, 168
Wallace, 79, 80, 87, 88, 89, 90, 92, 94, 171
Ware, 33, 177
Watson, 79
ways of living, 22, 23, 42, 180
weather, meteorologists, 39
White, 55, 60
Wiggins, D., 169, 170, 173
will, 89, 138
Wilson, R., 164, 165
wink, 3, 46, 160, 161
Wittgenstein, 1, 17, 23, 42, 46, 58, 86, 116
Wolf, 94
writers, 166
writing a cheque example, 125, 152, 156, 158, 170, 175, 176
writing a signature example, 127

LIBRARY OF ETHICS AND APPLIED PHILOSOPHY

1. O. Lagerspetz: *Trust: The Tacit Demand*. 1998 ISBN 0-7923-4874-5
2. W. van der Burg and T. van Willigenburg (eds.): *Reflective Equilibrium*. Essays in Honour of Robert Heeger. 1998 ISBN 0-7923-5066-9
3. J. G. Murphy: *Character, Liberty, and Law*. Kantian Essays in Theory and Practice. 1998 ISBN 0-7923-5275-0
4. B. C. Postow: *Reasons for Action*. Toward a Normative Theory and Meta-Level Criteria. 1999 ISBN 0-7923-5700-0
5. D. Richter: *Ethics After Anscombe*. Post "Modern Moral Philosophy". 2000 ISBN 0-7923-6093-1
6. G. den Hartogh (ed.): *The Good Life as a Public Good*. 2000 ISBN 0-7923-6167-9
7. T. van den Beld (ed.): *Moral Responsibility and Ontology*. 2000 ISBN 0-7923-6255-1
8. M.J. Almeida (ed.): *Imperceptible Harms and Benefits*. 2000 ISBN 0-7923-6464-3
9. J.A. Corlett: *Responsibility and Punishment, Third edition*. 2005 ISBN 1-4020-4147-0
10. M. Gore Forrester: *Moral Beliefs and Moral Theory*. 2002 ISBN 1-4020-0687-X
11. A.W. Musschenga, W. van Haften, B. Spiecker and M. Slors (eds.): *Personal and Moral Identity*. 2002 ISBN 1-4020-0764-7
12. C. Wilks: *Emotion, Truth and Meaning*. In Defense of Ayer and Stevenson. 2002 ISBN 1-4020-0916-X
13. M. Schermer: *The Different Faces of Autonomy*. Patient Autonomy in Ethical Theory and Hospital Practice. 2002 ISBN 1-4020-0984-4
14. H. Dyke (ed.): *Time and Ethics: Essays at the Intersection*. 2003 ISBN 1-4020-1312-4
15. J. Ryberg and T. Tännsjö (eds.): *The Repugnant Conclusion*. Essays on Population Ethics. 2004 ISBN 1-4020-2472-X
16. J. Ryberg: *The Ethics of Proportionate Punishment*. A Critical Investigation. 2004 ISBN 1-4020-2553-X
17. T. Ronnow-Rasmussen and M.J. Zimmerman (eds.): *Recent Work on Intrinsic Value*. 2005 ISBN 1-4020-3845-3
18. A. Sneddon: *Actions and Responsibility*. 2006 ISBN 1-4020-3996-4